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1  
2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF NEW YORK  
4 - - - - -x  
5 In re  
6 Case No.  
16-45646 (CEC)  
7 BOYSIN RALPH LORICK,  
CYNTHIA THERESA LORICK,  
8 Debtors.  
9 - - - - -x  
10 90 Merrick Avenue  
East Meadow, New York  
11 October 4, 2017  
12 10:52 a.m.  
13

14 DEPOSITION of JANE J. NADELSON, a  
15 Witness in the above-entitled action, held  
16 at the above time and place, taken before  
17 Susan Adams, a Shorthand Reporter and  
18 Notary Public of the State of New York,  
19 pursuant to the Federal Rules of Civil  
20 Procedure and stipulations between  
21 Counsel.

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2 APPEARANCES:

3

4 CERTILMAN BALIN ADLER & HYMAN, LLP

5 Attorneys for Soleyman Ghalchi

6 90 Merrick Avenue

7 East Meadow, New York 11554

8 BY: RICHARD J. McCORD, ESQ.

9

10

11 KILPATRICK TOWNSEND & STOCKTON, LLP

12 Attorneys for Defendant

13 Wells Fargo Bank

14 1114 Avenue of the Americas

15 New York, New York 10036

16 BY: MAXIMILIANO RINALDI, ESQ.

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2 STIPULATIONS

3 IT IS HEREBY STIPULATED AND AGREED, by

4 and among counsel for the respective  
Page 2

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5 parties hereto, that the filing, sealing  
6 and certification of the within deposition  
7 shall be and the same are hereby waived;

8 IT IS FURTHER STIPULATED AND AGREED  
9 that all objections, except as to form of  
10 the question, shall be reserved to the  
11 time of the trial;

12 IT IS FURTHER STIPULATED AND AGREED  
13 that the within deposition may be signed  
14 before any Notary Public with the same  
15 force and effect as if signed and sworn to  
16 before the Court.

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1 J. Nadel son

2 J A N E J. N A D E L S O N,

3 a Witness herein, having first

4 been duly sworn by the Notary

5 Public, was examined and

6 testified as follows:

7 EXAMINATION BY

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8 MR. MCCORD:

9 Q. Please state your name for the  
10 record.

11 A. Jane Nadel son.

12 Q. What is your home address?

13 A. 3024 Coney Island Avenue,  
14 Brooklyn, New York 11235.

15 Q. Good morning, Ms. Nadel son, my  
16 name is Richard McCord. I represent  
17 Soleyman Ghalchi in the matter pertaining  
18 to Boysin Ralph Lorick and Cynthia Theresa  
19 Lorick, Chapter 11, Case Number  
20 16-45645-NLH.

21 I will be asking you some  
22 questions today, and I ask you to if you  
23 don't understand them, tell me and I'll  
24 try to clarify it. If you don't know the  
25 answer, please tell me and I will try to

5

1 J. Nadel son

2 rephrase it, but I do ask you not to  
3 guess. So if you don't know the answer  
4 please just tell me, and we'll proceed.

5 Okay?

6 A. Okay.

7 Q. And let's try to speak one at a  
8 time. When you're speaking I'll try not  
9 to interrupt you, and when I'm speaking  
10 please don't interrupt because the  
11 reporter can't take down two people

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12 talking at one time.  
13 Do you understand that?  
14 A. I understand.  
15 Q. All right. Have you ever been  
16 deposed before?  
17 A. No.  
18 Q. Okay.  
19 A. I was. A car accident, it was  
20 an EBT.  
21 Q. And you're an attorney at law?  
22 A. Yes.  
23 Q. And you're licensed to practice  
24 law in the State of New York?  
25 A. Yes.

6

1 J. Nadelson  
2 Q. And you're an attorney in good  
3 standing?  
4 A. Very good standing.  
5 Q. So therefore you don't need to  
6 have an attorney here with you today to  
7 proceed or you're waiving you're right to  
8 have an attorney today?  
9 A. Yes.  
10 Q. Okay. When were you admitted to  
11 practice?  
12 A. 2004.  
13 Q. Okay. Do you have an area of  
14 specialty?

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15 A. General practice.  
16 Q. Okay.  
17 A. Mainly general practice.  
18 Q. Do you do bankruptcy?  
19 A. No, I don't.  
20 Q. Have you ever done bankruptcy?  
21 A. No.  
22 Q. Do you do real estate?  
23 A. Yes.  
24 Q. Commercial real estate,  
25 residential?

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7

1 J. Nadelson  
2 A. Real estate.  
3 Q. Okay.  
4 A. You're talking about  
5 transactional?  
6 Q. Whatever.  
7 A. Yes, I do.  
8 Q. Are you familiar with the  
9 Chapter 11 case that I just identified,  
10 Boysin Ralph Lorick and Cynthia Theresa  
11 Lorick, that I will be referring to as  
12 Lorick?  
13 A. More or less.  
14 Q. Explain what that means.  
15 A. I just know he filed for  
16 bankruptcy.  
17 Q. Okay. When did he file for  
18 bankruptcy?

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19 A. Last year.  
20 Q. Do you know when?  
21 A. I don't recall maybe November,  
22 maybe December, maybe October.  
23 Q. How did you come to know that he  
24 filed maybe November, December, October of  
25 last year, 2016?

8

1 J. Nadel son  
2 A. I actually gave out Norma Ortiz'  
3 phone number because --  
4 Q. To who?  
5 A. To Lorick -- not to Lorick to  
6 Mohammad.  
7 Q. Mohammad who?  
8 A. I don't remember -- Lorick,  
9 Lorick.  
10 Q. Boysin Lorick?  
11 A. Boysin, I don't know. Cynthia.  
12 Q. You gave Boysin Lorick Ms.  
13 Ortiz' phone number?  
14 A. No, but I said I know the  
15 bankruptcy attorney if he needs, you know,  
16 like because he said that maybe, you know,  
17 he wants to consult somebody. I said,  
18 well, I know the attorney. And that's it.  
19 Q. Is he a client of yours? Mr.  
20 Lorick, is he a client of yours?  
21 A. No.

oct 4 17(1)a.txt  
22 Q. So what was the occasion that  
23 you were speaking to him about filing  
24 bankruptcy?

25 A. Rephrase the question, please.

9

1 J. Nadelson

2 Q. You said that he asked you, he  
3 said he wanted to file bankruptcy and he  
4 asked you about that, correct?

5 A. He didn't ask me about  
6 bankruptcy because I don't know  
7 bankruptcy.

8 He just mentioned that, you  
9 know, like if, you know, if I know any  
10 bankruptcy attorneys.

11 Q. When was this?

12 A. Last year.

13 Q. When?

14 A. I don't remember. Last year,  
15 maybe in the second part of the year,  
16 probably.

17 Q. In the summer, in the fall?

18 A. I don't recall. Maybe in the  
19 fall.

20 Q. Fall --

21 A. Fall, we have September --

22 Q. September to December so?

23 A. Probably from September to  
24 December.

25 Q. So when did you speak to him  
Page 8



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10

1 J. Nadel son  
2 about this conversation about if you knew  
3 a bankruptcy attorney?  
4 A. I don't recall an exact date.  
5 Q. Was it September?  
6 A. I don't recall. I don't  
7 remember.  
8 Q. Not even October, November?  
9 A. Come on, you're asking a year  
10 ago. I don't remember. Maybe September,  
11 maybe October, maybe August.  
12 Q. And how did this conversation  
13 come about? Did you know Mr. Lorick, do  
14 you know Mr. Lorick at all?  
15 A. I've seen him. I've seen him  
16 around because --  
17 Q. Before all of this, before the  
18 bankruptcy filing --  
19 A. Yes.  
20 Q. -- you've seen him around?  
21 A. Yes.  
22 Q. Explain what that means you've  
23 seen him around. You've seen him in the  
24 grocery store or you've seen him in court,  
25 I mean what does that mean you've seen him

11

oct 4 17(1)a.txt  
1 J. Nadel son  
2 around?  
3 A. His building is in the area of  
4 my office. It's very, like, five  
5 buildings down.  
6 Q. His building is located at 3126  
7 Coney Island Avenue, Brooklyn, New York?  
8 A. Correct, the building he owns.  
9 And, um, I'm just trying to  
10 remember the circumstances what I met him.  
11 And I do, you know, my client, I  
12 have a client, Mohammad Choudhary.  
13 You know him, you know him  
14 definitely [indicating]. And --  
15 Q. Why would the bank attorney have  
16 met him definitely?  
17 A. Because he met him in court.  
18 Q. When did he meet him in court?  
19 A. At the auction.  
20 Q. You were at the auction --  
21 A. I was at the auction.  
22 Q. -- on August 22, 2017?  
23 A. I was.  
24 Q. So this attorney sitting right  
25 here?

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12

1 J. Nadel son  
2 A. I don't know if this attorney,  
3 maybe not this attorney.  
4 Q. You pointed at this attorney Mr.

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5 Ri n al di , and you sai d he knows Mr.  
6 Choudhary.

7 How do you know he knows Mr.  
8 Choudhary?

9 A. I don' t recal l even whi ch  
10 attorney was at the auction.

11 Q. But you sai d he knows hi m?

12 A. Somebody from the bank, I' m sure  
13 they heard of hi m or somethi ng.

14 Q. All ri ght. So you sai d that you  
15 know Mr. Lorick from around. And you al so  
16 then testi fi ed that i t' s because your  
17 office is a few bui l di ngs away from Mr.  
18 Lorick' s property; is that correct?

19 A. Parti al .

20 Q. Conti nue, gi ve me the whol e  
21 answer then, and not j ust the parti al  
22 answer.

23 A. I met Boysi n i n Mohammad  
24 Choudhary' s offi ce. Mohammad Choudhary is  
25 my cli ent.

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13

1 J. Nadel son

2 Q. Where i s Mohammad Choudhary' s  
3 offi ce?

4 A. Between 3126, and between 3024  
5 where my offi ce i s, on Coney Isl and  
6 Avenue.

7 Q. Do you know the exact address?

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8 A. 3072.  
9 Q. 3072?  
10 A. He has an office there.  
11 Q. 3072 Coney Island Avenue,  
12 Brooklyn, New York?  
13 A. Correct.  
14 Q. So you met Mr. Lorick in Mr.  
15 Choudhary's office, correct?  
16 A. Correct, correct.  
17 Q. When did you meet him? When did  
18 you first meet Mr. Lorick in Mr.  
19 Choudhary's office?  
20 A. Three years ago.  
21 Q. Three years ago?  
22 A. Uh-huh.  
23 Q. So that would be --  
24 A. Three, four, maybe five. I  
25 don't recall.

♀

14

1 J. Nadelson  
2 Q. Okay.  
3 A. I do not recall really when was  
4 it.  
5 Q. Do you know what the purpose of  
6 meeting him in Mr. Choudhary's office was?  
7 A. I didn't meet him in his office  
8 particularly, but what is the purpose of  
9 the question?  
10 Q. Was it a business meeting?  
11 A. How is it relevant?

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12 Q. Were you having lunch?

13 A. How is it relevant to the  
14 auction?

15 Q. I'm trying to establish a  
16 timeline here, I'm trying to get to the  
17 auction questions.

18 A. It was not a business meeting,  
19 it was not lunch. It was a question to me  
20 that -- I don't recall, but I think his  
21 building was in foreclosure or something.

22 He went for foreclosure maybe --  
23 I don't recall the facts -- and he asked  
24 me would I know a solution how to save the  
25 building or would I know what to do.

15

1 J. Nadelson

2 And I said I don't know, let me  
3 think, because I don't deal with  
4 foreclosures. I don't deal with  
5 foreclosures, I don't deal with  
6 bankruptcies.

7 Q. And then when you thought about  
8 it, what happened? What did you tell him?  
9 Did you think about it at that meeting?

10 A. No. Honestly I didn't see him  
11 since until last year.

12 Q. So you saw him three, four, five  
13 years ago in Mr. Choudhary's office  
14 because he was having difficulty with the

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15 secured creditors as far as the  
16 foreclosure issue, correct?  
17 A. Yes.  
18 Q. He asked you if you could help  
19 him or if you had some suggestions --  
20 A. Actually, I didn't see him.  
21 Mohammad wanted to buy a building because  
22 the building was in foreclosure. He  
23 wanted, he expressed and I don't know  
24 that, he could be willing, he wanted maybe  
25 the building because it's a nice -- it's

16

1 J. Nadelson  
2 next to his, property blah-blah, like  
3 that.  
4 So he expressed that he wants  
5 that building. If it's gonna go to  
6 foreclosure or something he maybe wants to  
7 help -- not help, but to get Boysin out  
8 and just buy his building. I believe he  
9 always wanted to buy that building.  
10 Q. And what happened, did he do it,  
11 did he make him an offer?  
12 A. I think he did. I don't know  
13 the facts, but I don't know if it went  
14 through. I guess not, apparently not.  
15 Q. So you were not involved with --  
16 A. I was not involved I only saw  
17 him once, and that's it.  
18 Q. Is it your testimony that Mr.

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19 Choudhary and Mr. Lorick negotiated this  
20 potential --

21 A. My testimony, no, don't put  
22 words.

23 Q. I am?

24 A. It's not, I don't know if they  
25 negotiated or not.

17

1 J. Nadelson

2 Q. Is it your testimony that you  
3 met Mr. Lorick for the first time several  
4 years ago, and then haven't met or seen  
5 him until the end of 2016 since then; is  
6 that correct?

7 A. More or less.

8 Q. Well, more or less means?

9 A. Maybe I saw him on the street  
10 I'm telling you my office -- no.

11 Q. At your office or Mr.  
12 Choudhary's office?

13 A. No, no.

14 Q. Would you describe the meeting  
15 that you just testified about, Ms.  
16 Nadelson, in Mr. Choudhary's --

17 A. I'm not testifying about the  
18 meeting. You asked me if I met him  
19 before, and I said yes.

20 Q. And you said --

21 A. I'm not testifying about the

oct 4 17(1)a.txt  
22 meeting that I had three, four, five years  
23 ago because I don't remember any facts.  
24 Q. You said you had it in Mr.  
25 Choudhary's office?

18

1 J. Nadelson  
2 A. I didn't say Mr. Choudhary's  
3 office. I took my words back.  
4 I don't remember. Maybe it was  
5 he came by my car or something. I do not  
6 remember.  
7 Q. And asked you about this trouble  
8 that he was having regarding the  
9 foreclosure?  
10 A. People when they know that  
11 somebody is an attorney, they shoot all  
12 kinds of questions, you know that so.  
13 Q. Are you still testifying that  
14 Mr. Choudhary was at the meeting or are  
15 you changing your testimony?  
16 A. I'm not changing my testimony.  
17 You're talking about three, four, five  
18 years ago.  
19 Q. Was Mr. Choudhary at this  
20 meeting?  
21 A. It was not a meeting.  
22 Q. Was Mr. Choudhary at this  
23 discussion that you had with Mr. Lorick?  
24 A. Yes.  
25 Q. Okay. It could of been in the



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1 J. Nadel son

2 street by your car, but it was you Mr.

3 Lorick and Mr. Choudhary?

4 A. Maybe it was by Mohammad's

5 office. I don't remember where it was

6 exactly. It was not in my office, it was

7 not actually a consultation.

8 Q. Were you paid a fee for the

9 consultation?

10 A. No.

11 Q. Would you describe this

12 discussion that you had with Mr. Lorick as

13 a business discussion or a social?

14 A. No, it was more like a social

15 because I don't deal with bankruptcy, and

16 I don't do -- I mean I don't deal with

17 foreclosures and I don't deal with

18 bankruptcies, so I don't have any

19 knowledge about it.

20 Q. Is it your testimony that you

21 talked to people on a social level about

22 legal things?

23 A. No. My testimony is not about

24 that they asked me a question. I said

25 it's not my expertise. I don't know much

20

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1 J. Nadel son  
2 about i t.  
3 Q. I thought you said something  
4 about let me think about it?  
5 A. I did not say let me think  
6 about.  
7 Q. That's what you testified to  
8 just a minute ago.  
9 A. I said let me think about it,  
10 meaning that I don't know -- maybe I  
11 didn't express myself right -- meaning  
12 that maybe I will ask somebody, maybe  
13 something, maybe I'll refer somebody to  
14 them, something. I meant it in that.  
15 Q. Did you do that?  
16 A. No. I'm telling you no, I did  
17 not see Boysin. They never call me. They  
18 never ask me. They never really -- that  
19 was i t.  
20 Q. Do you know an attorney named  
21 Frank Wharton?  
22 A. No, I don't.  
23 Q. Do you know that before Mr.  
24 Lorick and Ms. Lorick filed Chapter 11  
25 they filed Chapter 13?

21

1 J. Nadel son  
2 A. I heard about this.  
3 Q. Who did you hear it from?  
4 A. I believe I believe Norma said

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5 that, I think.

6 Q. When did you talk to Norma about  
7 that?

8 A. I believe they were talking  
9 about this I don't know when I heard that,  
10 but I don't know the guy I don't know any  
11 facts.

12 Q. You said Norma, do you mean  
13 Norma Ortiz?

14 A. Norma Ortiz, I'm sorry.

15 Q. So you know he filed Chapter 13,  
16 but you don't know who told you. You  
17 don't know any facts. You don't know the  
18 attorney?

19 A. I didn't say I don't know who  
20 told me. I just said maybe it came up in  
21 the conversation.

22 Q. Who told you?

23 A. Norma, Norma Ortiz.

24 Q. When?

25 A. A year ago when I referred.

22

1 J. Nadelson

2 Q. When you referred what?

3 A. When I referred Boysin to Norma  
4 Ortiz -- not referred him. I said I know  
5 an attorney that does bankruptcy.

6 Q. What did you do then?

7 A. Why?

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8 Q. When?  
9 A. Last year.  
10 Q. And what did you do after you  
11 told him that?  
12 A. I gave him the phone number.  
13 Q. And was Mr. Choudhary with him  
14 and you at the time that you did this?  
15 A. I think -- yes, I accompanied  
16 Mr. Choudhary.  
17 Q. Accompanied Mr. Choudhary?  
18 A. I think we, yes, we met in the  
19 office because --  
20 Q. What office?  
21 A. Norma Ortiz.  
22 Q. Because who knows each other?  
23 A. I referred Boysin to Ms. Ortiz  
24 as a bankruptcy attorney. I didn't refer,  
25 I gave the phone number and I said that

23

1 J. Nadelson  
2 she does bankruptcy for many years, and he  
3 can go and consult.  
4 Q. Did he?  
5 A. He did.  
6 Q. Okay. Do you know when he  
7 consulted with her?  
8 A. You already asked me that  
9 question.  
10 Q. And the answer?  
11 A. And the answer is last year.

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12 Q. But you're not exactly sure if  
13 it was October, November or December, is  
14 that correct, that's what you said? So I  
15 want to make sure you didn't change your  
16 testimony.

17 A. I don't change my testimony,  
18 September October, November maybe  
19 December.

20 Q. All right. So after you gave  
21 Mr. Lorick her name and number?

22 A. I know it was chilly. If you  
23 want to establish exactly what season, it  
24 was I believe it was more or less chilly  
25 because I was dressed just about the same

24

1 J. Nadelson

2 as I am dressed now.

3 Q. Was Ms. Lorick involved with any  
4 of this?

5 A. I don't know.

6 Q. Did you ever meet Ms. Lorick?

7 A. No.

8 Q. To this day as you sit here  
9 today have you ever met Ms. Lorick?

10 A. No.

11 Q. After you gave Mr. Lorick Ms.  
12 Ortiz' number to contact her, what  
13 happened then as far as your involvement  
14 with Mr. Lorick and Ms. Ortiz?

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15 A. All I know is that he was filing  
16 bankruptcy. I don't know the details. I  
17 don't know the amounts. But by now I do  
18 know the amount.

19 Q. What amount, what do you mean?

20 A. The amount of creditors more or  
21 less because it's been an extensive  
22 discussion between everybody until now  
23 regarding how much is owed and how much it  
24 has to be paid and so on, and so forth.

25 So I was not involved in this

25

1 J. Nadelson  
2 bankruptcy until, you know, I know I heard  
3 bits and pieces, but I was not involved.  
4 I have nothing to do with his bankruptcy  
5 case.

6 Q. Were you given any kind of  
7 participation fee or any kind of fee from  
8 Ms. Ortiz?

9 A. Not for the bankruptcy.

10 Q. For referring Mr. Lorick?

11 A. No.

12 Q. Were you given any fee or  
13 participation fee or money or payment from  
14 Ms. Ortiz for anything?

15 A. For some other work.

16 Q. Explain, please.

17 A. I don't have to explain to you.

18 What, I have to explain what kind of work

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19 I did for her?

20 Q. Yes. You're under oath.

21 A. Paperwork, you know.

22 Q. Paperwork for what?

23 A. Maybe some research I did.

24 Q. For what?

25 A. I don't recall. It was last --

26

1 J. Nadelson

2 a while ago, last year, a while ago but I

3 didn't do nothing pertaining to bankruptcy

4 because I don't know anything about

5 bankruptcy.

6 Q. How much were you paid?

7 A. I do not recall the exact

8 amount.

9 Q. Approximately?

10 A. I don't know, a thousand

11 dollars, \$1,200 for a few hours.

12 Q. So she asked you to do some work

13 for her?

14 A. No, she didn't ask me. I did

15 some work. I believe I collected some

16 paperwork from Mohammad. Maybe it's not

17 last year, I don't remember. Maybe it

18 was --

19 Q. You collected some paperwork

20 from?

21 A. From Mohammad.

22 Q. Choudhary?  
23 A. Yes, because there was some not  
24 from Mohammad, for the whole -- maybe I  
25 read something. I don't recall it. I

27

1 J. Nadelson  
2 don't recall what type of work. It was  
3 maybe research, I was looking up something  
4 for her. I don't recall.  
5 Q. Pertaining to?  
6 A. But it was not pertaining to  
7 this case.  
8 Q. Was it pertaining to Mohammad  
9 Choudhary?  
10 A. It was in general, she's not  
11 representing Mohammad Choudhary.  
12 Q. I know that. You are right.  
13 A. Right.  
14 Q. So was it pertaining to Mohammad  
15 Choudhary?  
16 A. She can't pay me for  
17 representing Mohammad Choudhary, correct,  
18 I mean how else?  
19 Q. I'm asking you a question.  
20 You said Mohammad's name a  
21 minute ago, so I'm following up on it.  
22 A. I don't remember. Maybe it was  
23 something very unrelated maybe it was some  
24 matrimonial.  
25 Q. I don't want to hear maybe.



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1 J. Nadel son

2 What was it?

3 A. It was some contract for her, I  
4 don't recall it.

5 Q. Why would she hire you to do  
6 anything or why would she pay you to do  
7 anything?

8 A. No because --

9 Q. For any reason?

10 A. She didn't hire me but --

11 Q. Why did she pay you?

12 A. Because I did some work, but it  
13 was not related to the bankruptcy.

14 Why would I be doing something  
15 for free for somebody?

16 Q. Exactly, I understand your  
17 point. But why wouldn't she do it  
18 herself; she has herself and Ms. DeJesus?

19 A. I think it was unrelated to  
20 bankruptcy that it was related to the real  
21 estate. She's not a real estate attorney.

22 Q. The 3126 Brooklyn, New York real  
23 estate?

24 A. No. Some question she had, a  
25 general question about real estate

29

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1 J. Nadel son  
2 transaction, and --  
3 Q. So she called you up --  
4 A. Right.  
5 Q. -- and asked you to do some work  
6 for her?  
7 A. Right, maybe it was a contract  
8 that I checked. I don't remember. You  
9 know I honestly don't remember because  
10 I've seen so many papers since last year.  
11 Q. So there's at least that one  
12 occasion the \$1,200 you said she paid you,  
13 or you don't know how much she paid you?  
14 A. I don't recall. Maybe 1,200  
15 maybe 1,600, maybe --  
16 Q. At sometime last year?  
17 A. -- 1,800, 1,600, sometime last  
18 year.  
19 Q. And it's your testimony it had  
20 nothing to do with the Lorick case?  
21 A. No. It was with the real estate  
22 transactional, transaction question. They  
23 had nothing to do with the Lorick case.  
24 Q. Did it have anything to do --  
25 A. I was also doing, I believe,

30

1 J. Nadel son  
2 looking for something maybe capital gain  
3 issues or something like that which I  
4 didn't have to do for, but...

oct 4 17(1)a.txt

5 Q. Just to clarify that last point  
6 you made, that was a major issue with the  
7 sale of this building as described in Mr.  
8 Choudhary's declaration -- which I will  
9 show you in a few minutes -- and Mr.  
10 Lorick's declaration that Mr. Lorick was  
11 concerned with what the capital gains  
12 would be?

13 A. Right. And I think, I don't  
14 recall it, but I think there was I did  
15 something on that. It was a real estate  
16 issue because Norma doesn't do real estate  
17 as far as I know.

18 Q. So again, I will show you in a  
19 minute but in the declaration of both of  
20 these men -- withdrawn.

21 A. Honestly --

22 Q. Let me show it to you and you  
23 will see what we are talking about.

24 A. I didn't read the declarations  
25 so.

31

1 J. Nadelson

2 Q. I will show it to you.

3 A. But I didn't read --

4 Q. I will show it to you because  
5 you will see what I'm talking about  
6 because I think it's what you're talking  
7 about, the capital gains.

oct 4 17(1)a.txt  
8 Let me get it for you, so you  
9 know what I'm talking about.  
10 A. Boysin I would definitely not  
11 read.  
12 Q. Hold on a minute.  
13 MR. MCCORD: Mark this in,  
14 please, as Nadelson Exhibit 1.  
15 (Whereupon, Nadelson Exhibit 1,  
16 document captioned "Declaration of  
17 Mohammad Choudhary" was hereby marked  
18 for identification, as of this date.)  
19 Q. I show you a document entered in  
20 as Nadelson Exhibit 1; do you see it?  
21 A. Yeah.  
22 Q. At the top of the page it says  
23 "Declaration of Mohammad Choudhary,"  
24 correct?  
25 A. Yes.

32

1 J. Nadelson  
2 Q. Is he your client?  
3 A. Clarify the question?  
4 Q. Is he your client, a legal  
5 client, do you perform legal services for  
6 him?  
7 A. Yes.  
8 Q. Okay. All right. This is dated  
9 August 18, 2017; have you ever seen it  
10 before?  
11 A. I didn't read it before.

oct 4 17(1)a.txt

12 Q. Excuse me?  
13 A. I did not read it before.  
14 Q. Okay. But have you seen it  
15 before?  
16 A. No, I've seen it in the other  
17 documents when I scan them in because I  
18 got numerous e-mails with documents, so I  
19 scanned them in but I didn't read this  
20 particular one.  
21 Q. Did you --  
22 A. I honestly don't represent Mr.  
23 Mohammad in this.  
24 Q. Did he consult with you before  
25 he signed this document?

33

1 J. Nadel son  
2 A. No.  
3 Q. Did Ms. Ortiz?  
4 A. Did Ms. Ortiz consult with me?  
5 Q. Did Ms. Ortiz consult with you?  
6 A. No.  
7 Q. Did anyone tell you that Mr.  
8 Choudhary was signing this declaration?  
9 A. Maybe I don't remember maybe Mr.  
10 Mohammad mentioned, but I have other, you  
11 know, I'm not -- I mean I'm not on his  
12 permanent retainer so I don't sit in his  
13 office all the time. So if he gets  
14 something, it's not necessarily that I go

oct 4 17(1)a.txt

15 over it.

16 Q. How often do you represent him?

17 A. How is it relevant to this?

18 Q. Are you on general retainer?

19 A. No.

20 Q. Do you represent him on a

21 frequent basis?

22 A. I represent him from time to

23 time.

24 Q. Is it a frequent time to time?

25 A. Frequent.

34

1 J. Nadel son

2 Q. Do you represent him weekly?

3 A. I don't understand --

4 Q. Do you represent him every week?

5 A. If he has something to do, I

6 give him -- I provide him my services.

7 Q. Well, isn't this something to do  
8 this declaration?

9 A. Yeah, but I don't believe that  
10 he, you know, certain things -- Mr.

11 Mohammad is a very knowledgeable and  
12 educated person, so he can read a lot of  
13 documents himself without the need of an  
14 attorney, believe it or not, especially  
15 that he's not called as a party to this  
16 action, you know, and this is a very short  
17 form. So I don't know if he even bothered  
18 me for this.

oct 4 17(1)a.txt

19 Q. Do you know where Ms. Ortiz got  
20 this information from to put in this  
21 declaration?

22 A. Maybe from Mohammad himself, I  
23 don't know.

24 Q. You didn't give her the  
25 information?

35

1 J. Nadelson

2 A. No, this I know about  
3 [indicating].

4 Q. What are you referring to in the  
5 exhibit?

6 A. This I know about, but I don't  
7 recall that he signed it with me standing  
8 over him.

9 Q. One at a time. You said this I  
10 know about, what do you mean this, the  
11 whole declaration?

12 A. This was for the motion, and I  
13 know about this motion.

14 Q. What motion?

15 A. This was for the motion for  
16 adjournment or something.

17 Q. To adjourn the auction?

18 A. Yes, yes, this was, yes  
19 because --

20 Q. Paragraph 3 of the terms of the  
21 deal between Mr. Lorick and Mr. Choudhary,

oct 4 17(1)a.txt  
22 the proposed terms --

23 A. Proposed.

24 Q. -- right or wrong?

25 A. It was proposed, yes.

♀

36

1 J. Nadel son

2 Q. Were you aware of the terms, the  
3 proposed terms?

4 A. I was not. These terms, maybe  
5 these terms also. I don't recall. It was  
6 many terms proposed. He wanted to buy the  
7 building. Then he wanted to lend him  
8 money, but it didn't work out. He wanted  
9 to buy the building. You know. Then he  
10 wanted to buy a building and he, you know,  
11 like Boysin was trying to save his  
12 building, but I guess it didn't work out.

13 Q. What involvement did you have as  
14 the attorney for Mr. Choudhary in these  
15 proposals to buy --

16 A. I discussed it with Mr.  
17 Choudhary because it was real estate for  
18 me it's a real estate transaction whether  
19 he buys it in the interest of a building  
20 or he buys the whole building.

21 Q. Did you discuss it with Ms.  
22 Ortiz?

23 A. Ms. Ortiz, yes, because -- yes.

24 Q. Is it your testimony you did not  
25 prepare this exhibit?



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37

1 J. Nadel son  
2 A. Thi s, no.  
3 Q. Do you know who di d?  
4 A. No.  
5 Q. Does Mr. Choudhary have another  
6 attorney besi des you?  
7 A. No. Maybe he writes i t himsel f,  
8 I don' t know.  
9 Q. So you don' t know i f Ms. Ortiz  
10 prepared thi s or not?  
11 A. I don' t know. I did not prepare  
12 i t. Maybe he typed i t up himsel f. Maybe  
13 he had a sample of i t, I don' t know. I  
14 did not because I don' t do bankruptcy.  
15 So I have no idea what the  
16 declarati on stands for in the Bankruptcy  
17 Court. I mean I know what declarati on  
18 stands for, but I don' t know what the  
19 exact purpose of i t i s.  
20 MR. MCCORD: Mark thi s in as  
21 Nadel son Exhi bi t 2.  
22 (Whereupon, Nadel son Exhi bi t 2,  
23 "Decl arati on of Boysi n Lori ck" was  
24 hereby marked for i denti fi cati on, as  
25 of thi s date.)

38

oct 4 17(1)a.txt

1 J. Nadel son

2 Q. I show you what's been marked in  
3 as Nadel son Exhi bi t 2, have you ever seen  
4 that before?

5 A. No. Maybe I said, maybe I  
6 skimmed through the document but since I  
7 was not -- I cannot be retained on this.

8 I was not retained on this on  
9 any consul tation, even why should I, you  
10 know, spend most of my time, my concern is  
11 that what my client wants.

12 Q. Okay. I want you to look at  
13 page 3, paragraph 7. Page 3 of the  
14 exhi bi t, paragraph 7.

15 Are you there?

16 A. Yes.

17 Q. "When Mohammad offered to help  
18 me," were you aware of that, "to save this  
19 bui l di ng"?

20 A. Yes.

21 Q. "We explored di fferent options  
22 on how to refi nance my debt on the  
23 bui l di ng."

24 Were you aware of that, that he  
25 was tryi ng to refi nance hi s bui l di ng Mr.

39

1 J. Nadel son

2 Lori ck wi th Mr. Choudhary' s hel p?

3 A. Yes, I heard.

4 Q. "We have been worki ng on  
Page 34

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5 finalizing our options for weeks."

6 Were you aware of that? This is

7 dated August 20, were you aware of that?

8 A. I thought it was the 21st.

9 Q. It says August 20.

10 A. It was filed August 21.

11 Q. "We have been working on

12 finalizing our options for weeks," were

13 you aware of that?

14 A. Yes, they were talking for a

15 while.

16 Q. This is weeks before August 20

17 which is the month of August, maybe July,

18 correct?

19 A. Yes.

20 Q. And then it says:

21 "However, we were advised that

22 if I sell a whole or portion of the

23 building, I will incur an enormous

24 capital gains tax liability."

25 Were you aware of that?

♀

40

1 J. Nadelson

2 A. Capital gain, yes. I know the

3 issue.

4 Q. Excuse me?

5 A. I heard -- yes.

6 Q. So before I showed you these

7 exhibits, Mr. Choudhary's declaration and

oct 4 17(1)a.txt  
8 Mr. Lorick's, you said that Ms. Ortiz paid  
9 you 12 to \$1,800 in that range for  
10 investigating a capital gains tax issue,  
11 correct?

12 A. I didn't say that she paid me  
13 for investigating capital gain issue. I  
14 just said that I don't remember what she  
15 paid me for exactly, but there was one of  
16 them was that I was searching myself also  
17 for capital gains because I'm not a tax  
18 attorney.

19 Q. Was this the basis for you  
20 searching the issue on the capital gains  
21 tax liability?

22 A. I don't know.

23 Q. You don't remember?

24 A. What do you mean basis, this was  
25 the basis?

41

1 J. Nadelson

2 Q. Is this the reason you were  
3 looking into it?

4 A. Yes. And for my own good also.

5 Q. Is it your testimony you were  
6 aware Mr. Mohammad Choudhary and Mr.  
7 Lorick were trying to save the building  
8 for Mr. Lorick one way or another, either  
9 to refi or sell in part to Mr. Choudhary,  
10 correct?

11 A. Yes, but I'd say I don't know.

oct 4 17(1)a.txt

12 Mohammad always wanted to buy a building,  
13 this was why they could not agree on a  
14 lot, you know, on the -- they could not  
15 agree before the auction on it because --

16 Q. Were they friends?

17 A. I don't know.

18 Q. Now Mr. Choudhary --

19 A. I don't know if they were  
20 friends or associates or workers. I don't  
21 know. I never you know seen the guy for  
22 long, you know for many times.

23 Q. Mr. Choudhary says he's been  
24 friends with Mr. Lorick for decades?

25 A. It seemed that way to me, but I

42

1 J. Nadelson  
2 don't know because I only met Mr. Boysin  
3 and Mr. Lorick last year, the second time.

4 Q. Did Mr. Choudhary ever talk to  
5 you about Mr. Lorick other than what you  
6 already testified to meaning you gave him  
7 a bankruptcy attorney and you looked into  
8 the capital gains tax?

9 A. No. We don't talk about people  
10 like that.

11 Q. Are you a friend of Mr.  
12 Choudhary's or just his attorney?

13 A. I know him for 13 years.

14 Q. So is it a business

oct 4 17(1)a.txt

15 relati onshi p?

16 A. It's a busi ness rel ati onshi p,  
17 but i t's you know l ike i t's been 13 years.  
18 So we know each other. I don' t know hi s  
19 fami ly. I know hi s chi ldren because they  
20 come to the offi ce, but I don' t know hi s  
21 wi fe. So whatever you want to call that,  
22 whether we're fri ends or not.

23 Q. Is i t a busi ness rel ati onshi p  
24 then, attor ney-cl ient rel ati onshi p?

25 A. It's not busi ness rel ati onshi p I

43

1 J. Nadel son

2 don' t have any busi ness wi th Mr. Mohammad.

3 Q. You don' t represent hi m?

4 A. You sai d i s i t a busi ness  
5 rel ati onshi p or attor ney-cl ient  
6 rel ati onshi p?

7 Q. Is your rel ati onshi p wi th Mr.  
8 Choudhary a soci al rel ati onshi p or a  
9 busi ness rel ati onshi p meani ng  
10 attor ney-cl ient?

11 A. Busi ness.

12 Q. Okay. Have you ever represented  
13 Mr. Lorick for any reason at all for any  
14 purpose?

15 A. No.

16 Q. And the onl y thi ng that you've  
17 done where you got paid by Ms. Ortiz i s  
18 l ooki ng i nto thi s capi tal gai ns tax

oct 4 17(1)a.txt

19 liability issue; is that correct?

20 A. Yes. But I didn't do it for  
21 this particular purpose. You know I was  
22 doing it just in general, maybe she had  
23 some other cases where she needs to know.  
24 I don't know what she wanted me --

25 Q. She didn't tell you it was about

44

1 J. Nadelson  
2 this case, she just asked you to look  
3 into --

4 A. I don't recall the time frame.  
5 This came up this year, you know, I guess.

6 Q. Yeah, August.

7 A. And I did the work last year.

8 Q. That's not what you testified to  
9 already.

10 A. Yes, I did. I got paid last  
11 year.

12 Q. 2016?

13 A. Yes.

14 Q. Okay, by her?

15 A. Yeah, for something.

16 Q. For the capital gains issue?

17 A. I didn't say this. Don't put  
18 words in my mouth.

19 Q. I am not putting words in your  
20 mouth.

21 A. You do, because you just said

oct 4 17(1)a.txt  
22 this is what I said. This is the capital  
23 gains issue that this was the work that I  
24 did for Ms. Ortiz on this, but it was the  
25 last year. This is dated, as you said

45

1 J. Nadelson

2 yourself, August 21.

3 Q. So is it your testimony the only  
4 time you were ever paid any money at all  
5 by Ms. Ortiz for anything was in 2016 for  
6 in the area of 12 to \$1,800; is that  
7 correct?

8 A. Maybe less, maybe more.

9 Q. Well, how much more?

10 A. Very little more. Maybe very  
11 little, maybe in that range. Maybe a  
12 little more. I don't know. Maybe 1,900  
13 maybe 2,100. I don't remember. Maybe  
14 1,800. I don't remember. You want me to  
15 find the check, I'll find you the check by  
16 tomorrow. I don't remember.

17 Q. I will leave a space in the  
18 transcript for you to produce the  
19 cancelled check by tomorrow?

20 A. Are you serious, I'm not gonna  
21 do that.

22 Q. You just said you were gonna do  
23 that?

24 A. I am not gonna do this, I don't  
25 have time.



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1 J. Nadel son

2 Q. You just said to me you will  
3 give it to me you just said to me that you  
4 will give me the check by tomorrow, so I  
5 said give it to me.

6 A. It was just a blurt.

7 Q. Well, I'm demanding it. If you  
8 don't give it to me then, you don't give  
9 it to me I demand it. I need to know when  
10 you were paid and how much you were paid  
11 and what it was for. You are not being  
12 very clear. One minute it's for this, one  
13 minute it's last year. I mean --

14 A. I don't recall.

15 Q. -- you keep changing your story.

16 You do know that you're under  
17 oath, under penalties of perjury. I have  
18 deposed people that have testified in this  
19 matter. You're aware of that, correct?

20 A. Yes, I do.

21 Q. Okay. So just as long as you're  
22 giving me truthful honest answers, I'll be  
23 happy.

24 A. I'll produce a check --

25 Q. Thank you.

47

1 oct 4 17(1)a.txt  
J. Nadel son  
2 A. -- if you're demanding it.  
3 Q. I am demanding it. Thank you.  
4 (Insert)\_\_\_\_\_  
5 \_\_\_\_\_  
6 (Whereupon, a short recess was  
7 taken.)  
8 MR. MCCORD: Back on the record.  
9 Q. So you've never seen the  
10 Exhibits 1 and 2, the declarations of  
11 Choudhary or the declaration of Lorick,  
12 correct other than pulling it off the  
13 docket after they were filed with the  
14 court, correct?  
15 A. Yes.  
16 Q. The motion to adjourn the  
17 auction that these --  
18 A. I'm sorry, go back. Not through  
19 the docket of the court, I received it on  
20 my e-mail I said.  
21 Q. After all this was done in the  
22 court, correct?  
23 A. Yes, I believe so.  
24 Q. Okay. The motion, the return  
25 date, the appearance in court --

♀  
†

48

1 J. Nadel son  
2 A. I don't recall.  
3 Q. The return date for the motion  
4 to hear the request to adjourn the auction

oct 4 17(1)a.txt

5 was on August 21, the day before the  
6 auction; did you know that?

7 A. Once again, please.

8 Q. Exhibits 1 and 2 are part of a  
9 motion seeking --

10 A. Yes.

11 Q. -- seeking to adjourn the  
12 auction, correct?

13 A. Correct.

14 Q. Okay. That motion was  
15 returnable in the Bankruptcy Court on  
16 Monday, August 21, correct, if you know?

17 A. It was filed on August 21.

18 Q. Okay. It was heard on August 21  
19 before the court, correct?

20 A. I don't know. I am not part of  
21 that motion.

22 Q. Okay. So is it your testimony  
23 you had nothing to do with the motion to  
24 request an adjournment of the auction; is  
25 that correct?

⌘

49

1 J. Nadelson

2 A. I am not part of this case. I'm  
3 not part of the auction, and I was not in  
4 this [indicating]. I know there was a  
5 motion filed to adjourn the auction, but I  
6 don't know. I was not part of the  
7 discussion on this.

oct 4 17(1)a.txt  
8 MR. MCCORD: Mark this in,  
9 please.  
10 (Whereupon, Nadel son Exhibit 3,  
11 document was hereby marked for  
12 identification, as of this date.)  
13 Q. I am showing you Nadel son  
14 Exhibit 3. In the middle of the page, the  
15 first page, it says:  
16 "Debtors emergency motion for an  
17 order adjourning the auction sale of  
18 property known as 3126 Coney Island  
19 Avenue, Brooklyn New York scheduled  
20 for August 22nd."  
21 Have you ever seen this before?  
22 A. Yes, I did.  
23 Q. When did you see it?  
24 A. Maybe the day it was filed.  
25 Q. Which was August 21?

50

1 J. Nadel son  
2 A. Possibly, yes.  
3 Q. Did Ms. Ortiz serve it on you?  
4 A. No.  
5 Q. How did it come that you saw it?  
6 A. Maybe it was not the 21st, I  
7 don't remember. Maybe this motion was not  
8 on the 21, I don't remember. Maybe I saw  
9 it later. Maybe I heard about it and ask  
10 what is it.  
11 Q. It's dated August 21?

oct 4 17(1)a.txt

12 A. I understand it's the day before  
13 the auction. As matter of fact I was not  
14 retained on this, and I also was not paid  
15 for anything like that.

16 So I'm not sure if I read all  
17 the documents through and I didn't see the  
18 need for it for me personally nor for my  
19 client, because we were going to the  
20 auction on the 22nd to buy the building.  
21 He wanted to go and buy the building.

22 Q. When did your client retain you  
23 or request your legal services to assist  
24 him in buying the building at the auction  
25 on August 22?

51

1 J. Nadel son

2 A. I don't remember.

3 Q. Was it a week before, a month  
4 before, two months before?

5 A. I don't know when they found out  
6 about the auction. There was -- I don't  
7 even know what I did in August. I don't  
8 remember.

9 I spent a lot of time with  
10 Mohammad, but I don't recall that it was  
11 on this particular motion. I just know  
12 that the day before the auction they tried  
13 to adjourn the case.

14 Q. Were you at the court for this

oct 4 17(1)a.txt  
15 hearing on the day before the auction?  
16 A. No.  
17 Q. Did you speak to Ms. Ortiz about  
18 this motion, the adjournment of the  
19 auction motion?  
20 A. I believe so.  
21 Q. When?  
22 A. I don't recall. I just know  
23 that maybe the day before -- the day of  
24 the motion of this, whatever she filed we  
25 spoke on the phone because my client

52

1 J. Nadelson  
2 wanted to buy the building before the  
3 auction.  
4 Q. Okay. When did he first discuss  
5 that with you to buy the building?  
6 A. It was throughout the whole  
7 summer to buy the building. He was trying  
8 to buy, to lend money he was trying to do  
9 everything to get it.  
10 Q. Did you represent him as his  
11 attorney in this process?  
12 A. On some, on certain parts of it.  
13 Q. Did you discuss --  
14 A. Not represent, he consulted with  
15 me I was not retained or I was not paid  
16 for that, he consulted with me.  
17 Q. Did you discuss any of this with  
18 Ms. Ortiz during this period of time?

oct 4 17(1)a.txt

19 A. Yes, we did.  
20 Q. Okay. How did you know that the  
21 auction was proceeding?  
22 A. My client told me, I mean  
23 Mohammad told me.  
24 Q. When did he tell you?  
25 A. A couple days before. But it

53

1 J. Nadelson  
2 was always in the air that he wanted to go  
3 to the auction, he was trying to get the  
4 funds -- not funds, financing.  
5 Q. Okay.  
6 A. As matter of fact, I'll add --  
7 you're not asking me but I'll add if it's  
8 interesting -- he actually refinanced his  
9 building for the purpose of buying this  
10 building. He refinanced his own building.  
11 And I was representing him with this  
12 refinancing, whatever mortgage refinancing  
13 transaction.  
14 Q. How much was that for?  
15 A. He actually got -- what do you  
16 mean?  
17 Q. What amount of money did he get  
18 on the refi of his building?  
19 A. In his bank or in general?  
20 Q. In general.  
21 A. 4.8 -- hold on.

oct 4 17(1)a.txt  
22 Q. And that money is to be --  
23 A. No, no, no.  
24 Q. Let me finish.  
25 A. He refinanced his building. He

54

1 J. Nadelson  
2 refinanced his mortgage. So he still had  
3 a mortgage and he got overage for the  
4 building.  
5 Q. How much overage did he get for  
6 the building, you mean Lorick's building?  
7 A. Not for the Lorick's building,  
8 he got money 1.8.  
9 Q. For what purpose?  
10 A. To buy the building.  
11 Q. Lorick's building?  
12 A. Lorick's building.  
13 He always wanted to buy the  
14 building. He wanted to buy it before the  
15 auction, this is why the question was of  
16 adjourning it.  
17 Q. Does he still have the money?  
18 A. He still has the money, he still  
19 wants to buy the building even today.  
20 Q. Did you ever find out what  
21 happened to the debtor for Lorick's motion  
22 to adjourn the auction, this motion that  
23 we are talking about Exhibit 3, did you  
24 ever find out what happened?  
25 A. I think the night before we were



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55

1 J. Nadel son  
2 told that it was not adjourned and the  
3 auction is going.  
4 Q. Who is "we," is that you and Mr.  
5 Choudhary?  
6 A. Yes.  
7 Q. Who told you?  
8 A. I believe Norma Ortiz told me.  
9 Q. Told you?  
10 A. I believe so.  
11 Q. What did she tell you?  
12 A. And I think -- hold on. It was  
13 so many things going on with this case.  
14 Hold on.  
15 She said that the motion was  
16 denied and the auction is gonna proceed  
17 the next day, and that's what she said.  
18 Q. Is there any reason why your  
19 client, pursuant to your testimony, always  
20 wanted to buy the building and had  
21 discussed buying it in the summer of last  
22 year -- no, this year, why did he wait  
23 until the morning of the auction to  
24 attempt to be a qualified bidder?  
25 A. Because he was trying to get

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oct 4 17(1)a.txt  
1 J. Nadel son  
2 financing, and he was getting a financing.  
3 Every time he would go through the  
4 initial -- you know, I'm not a mortgage  
5 broker so I don't know -- through the  
6 initial steps and he kept putting money in  
7 for, you know, like a good faith deposit  
8 or something and he would get preapproved,  
9 but then we kept, we were held back by  
10 this bankruptcy proceeding.  
11 And every time he would put on a  
12 time frame that you have to close on that  
13 date we never proceeded, you know, and he  
14 couldn't get a financing from one place, I  
15 mean, to finalize it.  
16 Then he was always getting  
17 approved from everywhere he went because  
18 he has, I guess, equity and we couldn't  
19 finalize it.  
20 And then we were under short,  
21 um, we were under a time constraint all  
22 the time. And then he decided that he  
23 should, you know, like that's it, you  
24 know, the auction is the auction and he  
25 should go to the auction and bid at the

57

1 J. Nadel son  
2 auction.  
3 Q. On the morning --  
4 A. He offered to purchase this  
Page 50

oct 4 17(1)a.txt

5 building way before.

6 Q. How much did he offer to pay for  
7 it?

8 A. 6 million.

9 MR. MCCORD: Mark this in.

10 (Whereupon, Nadelson Exhibit 4,  
11 notice of the hearing for a motion for  
12 an order was hereby marked for  
13 identification, as of this date.)

14 A. Because.

15 Q. Because what?

16 A. I haven't seen -- this is not my  
17 case, I haven't seen and I haven't read.

18 Q. You were saying something.

19 Because what?

20 A. I was thinking in my mind of  
21 something, and I continued aloud so I was  
22 thinking --

23 Q. I asked you --

24 A. Why would I be involved in this  
25 if I'm not in the bankruptcy proceedings

58

1 J. Nadelson  
2 representing anybody, that's my question  
3 so I asked myself.

4 Q. Let me ask you a question. Is  
5 that true, since you represented Mr.  
6 Choudhary at the auction to buy the  
7 property, didn't he bid on the property?

oct 4 17(1)a.txt  
8 A. Yeah, but it was not a  
9 bankruptcy proceeding it was a motion.  
10 Q. Yes, it was. It was an auction  
11 at the Bankruptcy Court approved by the  
12 Bankruptcy Court, and you were there and  
13 you represented to the court on the  
14 record --  
15 A. Yes on that day.  
16 Q. -- that you were his attorney.  
17 A. On that day.  
18 Q. Okay. Are you his attorney  
19 today?  
20 A. You know --  
21 Q. Yes or no?  
22 A. -- I represent him. I consult,  
23 he consults with me.  
24 Q. Are you representing him in the  
25 drafting of the proposed settlement of

59

1 J. Nadelson  
2 this case by way of the assignment?  
3 A. Yes, I am.  
4 Q. Have you been negotiating with  
5 me and Ms. Ortiz on his behalf?  
6 A. Yes.  
7 Q. Are you telling me that you're  
8 doing that and you're not his attorney?  
9 A. I am. I'm sorry, you know, but  
10 on the date of the auction I only came to  
11 the auction. I was not representing him

oct 4 17(1)a.txt

12 all along, it was only for a consultation  
13 purpose.

14 Q. Well, according to the Code of  
15 Ethics and Disciplinary Rules of New York  
16 State Attorneys, if you're representing  
17 him for consultation you're representing  
18 him. You're his attorney. I hope you  
19 realize that.

20 A. Okay.

21 Q. Do you know that?

22 A. I do.

23 Q. You can't give out legal advice  
24 and say: By the way, I'm not your  
25 attorney?

60

1 J. Nadelson

2 A. I do.

3 Q. So then you were representing  
4 him.

5 Take a look at Exhibit 4. Have  
6 you ever seen that before? It says:

7 "Notice of the hearing for a  
8 motion for an order pursuant to 105  
9 and 3, basically approving bidding  
10 procedures and conditions of sale."

11 A. Yes. I came through, I looked  
12 at it.

13 Q. When?

14 A. Before the auction.

oct 4 17(1)a.txt  
15 Q. Are you familiar with the  
16 bidding procedures what a party has to do,  
17 any party has to do to be qualified as a  
18 bidder?  
19 A. Yes.  
20 Q. Okay. Is it from reading the  
21 bidding procedures?  
22 A. No.  
23 Q. How do you know?  
24 A. Because I went to the auction,  
25 not in the Bankruptcy Court.

61

1 J. Nadelson  
2 Q. Did you know what the bidding  
3 procedures were, the approved bidding  
4 procedures were in this case?  
5 A. Yes. You have to be  
6 prequalified before the auction, and you  
7 have to have 10 percent at the auction.  
8 Q. And did your client do that?  
9 A. Yes.  
10 Q. So did your client bring a check  
11 to the auction?  
12 A. Yes.  
13 Q. How much?  
14 A. He brought \$700,000 to the  
15 auction. And, um, he brought -- to the  
16 auction he brought 700,000.  
17 Q. Did he provide any documentation  
18 to the debtor or Ms. Ortiz at the day of

oct 4 17(1)a.txt

19 the auction, August 22, regarding his  
20 ability to close?

21 A. Yes, yes.

22 Q. Did he give any documentation to  
23 Ms. Ortiz or Ms. DeJesus in advance of the  
24 auction date, August 22, regarding his  
25 ability to close?

62

1 J. Nadelson

2 A. I did not -- I don't know what  
3 Mohammad did. Maybe he provided by fax or  
4 something, but I don't know, it all  
5 happened at night, the day before the  
6 auction. All this talk about him  
7 attending the auction. On the day of the  
8 auction --

9 Q. Talk between whom the night  
10 before?

11 A. We all talked.

12 Q. Who is "we"?

13 A. I'm sorry, me and Norma and me  
14 and Mohammad.

15 Q. What about Mr. Lorick?

16 A. I didn't talk to him the night  
17 before.

18 Q. Well, he wasn't in on your  
19 conversation?

20 A. Say it again.

21 Q. He was not part of the

oct 4 17(1)a.txt  
22 conversation that you're referring to just  
23 now?

24 A. I don't recall if he was in  
25 Mohammad's office the day before. I don't

63

1 J. Nadelson

2 recall.

3 Q. Do you recall if Mr. Mohammad  
4 Choudhary and Mr. Lorick spoke at all the  
5 day before about this?

6 A. I don't know, I wasn't part of  
7 it.

8 Q. Would you be surprised to hear  
9 Mr. Lorick testify that he did, in fact,  
10 discuss the auction with Mr. Choudhary the  
11 day before?

12 A. What do you mean will I be  
13 surprised? I probably will not because  
14 they talk.

15 Q. All the time?

16 A. I don't know. I didn't -- I  
17 wasn't on the phone with them all the time  
18 I was not part of the conversations all  
19 the time. I don't know if they talk all  
20 the time.

21 And can you clarify the question  
22 all the time, the day before?

23 Q. Frequently?

24 A. Frequently, they spoke  
25 frequently.



oct 4 17(1)a.txt

64

1 J. Nadel son

2 Q. About thi s bui l di ng?

3 A. About the bui l di ng. About, I

4 don' t know what el se because I was not

5 part of the conversati on. I' m not in

6 Mohammad' s offi ce al l the ti me.

7 Q. Woul d you descri be Mr. Lorick

8 and Mr. Choudhary' s rel ati onshi p as a

9 busi ness rel ati onshi p, soci al rel ati onshi p

10 or both or nei ther?

11 A. I can' t descri be i t. I don' t

12 know what do you mean, exactl y to what

13 extent you mean busi ness?

14 In busi ness they help each other

15 al l the ti me wi th the bui l di ng, they have

16 supers that go back and forth in the

17 bui l di ngs. I don' t know. Soci al , I don' t

18 know. I t' s not my --

19 Q. What about --

20 A. -- place to even i nqui re.

21 Q. Are you aware that in 2013 Mr.

22 Choudhary was basi cal l y acti ng as a

23 general contractor to fi x up Mr. --

24 A. I' m not aware.

25 Q. Let me fi ni sh.

65

oct 4 17(1)a.txt  
1 J. Nadel son  
2 -- to fix up Mr. Lorick's  
3 building after the fire?  
4 A. He had a fire, I didn't know.  
5 Q. How long have you been  
6 representing Mr. Choudhary?  
7 A. 13 years, but I'm representing  
8 him on a small -- I know him for 13 years,  
9 and I was representing him in some  
10 unrelated completely action in Supreme  
11 Court.  
12 Then we kind of went apart. I  
13 was not his attorney on anything. And  
14 then a few years ago he came back and he  
15 said he needed something unrelated to  
16 this, and then some landlord-tenant cases.  
17 And that's about it. I'm not or I was not  
18 involved in their business relationship or  
19 their social. I didn't even know Mr.  
20 Lorick.  
21 Q. Did you ever do any landlord  
22 tenant work for Mr. Lorick?  
23 A. No. I only met Mr. Lorick once  
24 three, four, or five years ago. I don't  
25 remember. Three years, four years ago.

66

1 J. Nadel son  
2 And I met him from last year and only a  
3 few times.  
4 MR. MCCORD: Mark these two in  
Page 58

oct 4 17(1)a.txt

5 please.

6 (Whereupon, Nadel son Exhi bi t 5,  
7 New York Ci ty Bui l di ngs document  
8 i ssued Jul y 29, 2013 to Mohammad  
9 Choudhary was hereby marked for  
10 i denti fi ca ti on, as of thi s date.)

11 (Whereupon, Nadel son Exhi bi t 6,  
12 transcript of the auc ti on that took  
13 place on August 22, 2017 was hereby  
14 marked for i denti fi ca ti on, as of thi s  
15 date.)

16 Q. I show you what's been marked as  
17 Nadel son Exhi bi t 5, i t says at the top of  
18 i t "New York Ci ty Bui l di ngs" i n the mi ddle  
19 i t says "Issued Jul y 29, 2013 to Mohammad  
20 Choudhary."

21 Do you see all that?

22 A. Yes.

23 Q. Do you know Mr. Choudhary, i s  
24 Mr. Choudhary a general contractor?

25 A. Hold on, where does i t say Mr.

67

1 J. Nadel son  
2 Choudhary?

3 Q. Is Mr. Choudhary a general  
4 contractor?

5 A. Yes.

6 Q. Do you see where i t says:  
7 "Work al terati on type 2, general

oct 4 17(1)a.txt  
8 construction interior renovation  
9 apartments A2, A5, A6, A7, A8, D5,  
10 lobby and cellar"; do you see all of  
11 that?  
12 A. Yeah. Yes, I see.  
13 Q. Did Mr. Choudhary do this work?  
14 A. I don't know.  
15 Q. Did you represent Mr. Choudhary  
16 in 2013?  
17 A. No.  
18 Q. Now before twice, you said you  
19 represented him for 13 years. As far as I  
20 can calculate July 29 of 2013 is four  
21 years ago.  
22 A. All right, let me see.  
23 Q. Did you represent --  
24 A. Whatever I testify --  
25 Q. It's my turn. Did you

68

1 J. Nadelson  
2 represent --  
3 A. No.  
4 Q. Miss, please let me ask the  
5 question. Did you represent Mr. Choudhary  
6 at any time during the year 2013?  
7 A. I don't recall. I believe not,  
8 but I do not remember.  
9 Q. So then was your testimony  
10 erroneous when you said before twice that  
11 you represented him for the past 13 years?

oct 4 17(1)a.txt

12 A. It was inadvertently, a  
13 statement was made inadvertently erroneous  
14 because I know him for 13 years. I  
15 started representing him when -- 2005 or  
16 '06. And then we went apart and I already  
17 stated that not apart but he didn't hire  
18 me for anything.

19 And then I start doing some work  
20 for him, again, but I don't recall, 2013.  
21 And I definitely do not know anything  
22 about this what I have in front of me  
23 which is the work permit date of  
24 7/29/2013.

25 Q. I show you what's been marked as

69

1 J. Nadelson  
2 Nadelson Exhibit 6; do you see that?

3 A. Yes.

4 Q. Go to page 9. This is the  
5 transcript of the auction that took place  
6 on August 22, 2017, correct?

7 A. Uh-huh.

8 Q. Were you at the auction?

9 A. Yes, I was.

10 Q. In the middle of the page it  
11 starts "So does anyone have any questions  
12 before we proceed," that's Ms. Ortiz.  
13 Mr. Aryeh -- withdrawn.

14 This is at 11:30 a.m. Do you

oct 4 17(1)a.txt  
15 know what time the auction was supposed to  
16 start?  
17 A. 10:00 a.m.  
18 Q. This is a question from Ms.  
19 Ortiz:  
20 "So does anyone have any  
21 questions before we proceed?"  
22 Mr. Aryeh, that is Mr.  
23 Ghalchi's attorney, correct?  
24 A. Yes.  
25 Q. Okay.

70

1 J. Nadelson  
2 "I did, Eli Aryeh representing  
3 Soleyman Ghalchi. I just wanted to  
4 know regarding Mr. Choudhary, does he  
5 have any relationship to the debtor at  
6 all?  
7 "MS. ORTIZ: A familial  
8 relationship?  
9 "MR. ARYEH: Familial  
10 relationship, whether or not he had  
11 any type of relationship, is there  
12 any?  
13 MS. ORTIZ: I asked the debtor  
14 so that I am not speaking on his  
15 behalf.  
16 "MR. ARYEH: Please."  
17 They go off the record.  
18 "MS. ORTIZ: I just asked Boysi n

oct 4 17(1)a.txt

19 Lorick if he had a familial interest  
20 with Mohammad Choudhary, and he said  
21 no. "

22 Is that true?

23 A. You're asking me?

24 Q. Is that true?

25 A. Familial, what that means is

71

1 J. Nadel son

2 family; it's true.

3 Q. I asked him if he shared any  
4 interest in any real estate, shared in any  
5 interest in partnership or LLC or any  
6 other business venture with him and he  
7 said no; is that true?

8 A. Yes -- I don't know how you  
9 delineate business venture or if it's --  
10 it's contractual, then this is true.

11 Q. If it's not contractual?

12 A. Then you can't say that he has  
13 an interest in real estate or partnership,  
14 LLC, corporation, business venture or so  
15 on.

16 Q. So what kind of business  
17 relationship do you believe, if any, that  
18 exists between Mr. Choudhary and Mr.  
19 Lorick?

20 A. I can't, I cannot state for that  
21 because I don't know them too long. So I

oct 4 17(1)a.txt  
22 cannot say for the whole stretch of a time  
23 they know each other.  
24 Q. I'm not asking for the whole  
25 stretch. I'm asking you as you sit here

72

1 J. Nadel son  
2 today.  
3 A. He helped him, he was trying to  
4 help him to save the building, and then he  
5 was trying to buy the building this is all  
6 I know. Anything else, maybe he paves the  
7 front or you know does the roof. I have  
8 no idea.

9 Q. What a minute, what does that  
10 mean?

11 A. I don't know what kind of  
12 relationship they have.

13 Q. You said you knew that they  
14 exchanged superintendents or something  
15 like that, right?

16 A. There is superintendents, I know  
17 from Mohammad, that he maybe sent to the  
18 other building to look at it, but other  
19 than that I don't know to look at the  
20 problem or something, but other than that  
21 I do not know.

22 Q. Do you agree that there is some  
23 kind of business relationship between Mr.  
24 Choudhary and Mr. Lorick?

25 A. Define the business



oct 4 17(1)a.txt

73

1 J. Nadel son

2 rel ati onshi p.

3 Q. Working together in a nonsocial  
4 way to obtain a goal in an objective  
5 between the parties.

6 For example, Mr. Choudhary  
7 performing construction work for Mr.  
8 Lorick on his building in 2013 and getting  
9 paid for it, would you describe that as a  
10 business relationship although you had  
11 nothing to do with it?

12 A. I would say this is service for  
13 hire, that is what I would say a business  
14 relationship is.

15 Q. Is it business or social?

16 A. I would say business.

17 Q. So --

18 A. Maybe I'm wrong, but I would say  
19 it's business definitely not social.

20 Q. So then would you say her remark  
21 is inaccurate about the business venture  
22 part, when she said there was none in that  
23 transcript, Ms. Ortiz?

24 A. I can't say if he said if it's  
25 inaccurate. I don't know what he exactly

74

oct 4 17(1)a.txt  
1 J. Nadel son  
2 meant.  
3 Q. It's not he, it's she?  
4 A. No, no, no. You said I ask him  
5 if he had, or if he shared an interest and  
6 partnership, LLC or any other business  
7 venture with him and he said no. So  
8 whatever he said I can't say. She asked  
9 the question, and Lorick said no.  
10 MR. MCCORD: Mark this in,  
11 please.  
12 (Whereupon, Nadel son Exhibit 7,  
13 document captioned, "Voluntary  
14 Petition For Individuals Filing  
15 Bankruptcy" was hereby marked for  
16 identification, as of this date.)  
17 Q. I show you Nadel son Exhibit 7.  
18 It states at the top of the page, the top  
19 portion of the page, "Voluntary Petition  
20 For Individuals Filing Bankruptcy."  
21 Then below that part one it says  
22 Cynthia Boysin, "Cynthia Theresa" -- not  
23 Boysin -- withdrawn on that -- "Cynthia  
24 Theresa Lorick, Boysin Ralph Lorick"; do  
25 you see that?

75

1 J. Nadel son  
2 A. Uh-huh.  
3 Q. This is their Chapter 11  
4 petition which includes schedules, debts,  
Page 66

oct 4 17(1)a.txt

5 assets and liabilities.

6 You may take a moment to look  
7 through this document, if you would like.  
8 And then look up when you're ready to  
9 proceed.

10 A. I'm ready to proceed.

11 Q. Have you ever seen this document  
12 before?

13 A. No, I did not.

14 Q. Did you discuss this with Mr.  
15 Lorick in any way?

16 A. This [indicating]?

17 Q. The bankruptcy petition.

18 A. No.

19 Q. You have to answer.

20 A. No, I don't because I have no  
21 knowledge in bankruptcy, how can I  
22 discuss.

23 Q. Did you discuss this bankruptcy  
24 petition or any of the information in it  
25 with Mr. Choudhary?

⌘

76

1 J. Nadelson

2 A. No.

3 Q. Did you discuss this bankruptcy  
4 petition or any of the information in it  
5 with Ms. Ortiz or Ms. DeJesus?

6 A. Only when I was collecting some  
7 information.

oct 4 17(1)a.txt

8 Q. Please explain.

9 A. You know, honestly I don't

10 remember. Maybe I just got Boysin's name

11 and, you know, like the address and all

12 this, just the background, before I even

13 said I know somebody who does bankruptcy,

14 possibly that.

15 But I have not discussed

16 bankruptcy petition, I have not discussed

17 it with Ms. Ortiz or Ms. DeJesus at any

18 time because I don't even know what's

19 involved. I know the amount

20 approximately, but that's about it.

21 Q. Who did you give the information

22 to that you just discussed as far as Mr.

23 Boysin Lorick?

24 A. What information I discussed?

25 Q. You just said that you gave them

77

1 J. Nadelson

2 his name and his address and other type of

3 pedigree information; is that correct?

4 A. Right I just --

5 Q. Who did you give it to?

6 A. Norma. I mean Norma Ortiz. How

7 else can I say take the case if I couldn't

8 explain to Ms. Ortiz what he's looking

9 for. I don't even know if she ask like,

10 you know, take him as a client so I had to

11 gather a little information give to her in

oct 4 17(1)a.txt

12 the beginning so she takes the case or not  
13 and then.

14 Q. What other information did you  
15 give her at the beginning to see if she's  
16 gonna take the case or not?

17 A. Name, that he, his house is in  
18 foreclosure, that he owes a certain amount  
19 of money, whatever he thought he owes, and  
20 that he's married.

21 I don't recall the rest. You  
22 know all kind of, this information usually  
23 you say I have a potential client. You  
24 say what do they want, what do they do,  
25 what are they looking for. So you have to

78

1 J. Nadelson  
2 gather certain things. Because I haven't  
3 seen this, I don't know anything about it.

4 Q. Look at the first page. On the  
5 first page of the petition, did you give  
6 the names to Ms. Ortiz or Ms. DeJesus of  
7 the debtors?

8 A. You know as far as I know I knew  
9 that Boysin is his last name, that's how I  
10 talk to him, Mr. Boysin.

11 Q. You called the debtor Mr.  
12 Boysin?

13 A. In the beginning when he came,  
14 when I met him I didn't call him Mr.

oct 4 17(1)a.txt  
15 Boysin. I said that I thought it was his  
16 last name but then when I said what is the  
17 first name, last name and what's the  
18 address of the building.

19 Q. Do you see the information on  
20 the first page?

21 A. Yes, I do.

22 Q. Did you give that information to  
23 Ms. Ortiz?

24 A. Maybe I did only his name with  
25 his wife, but I didn't even know that they

79

1 J. Nadelson

2 had middle names.

3 Q. You gave it to Ms. Ortiz or Ms.  
4 DeJesus?

5 A. I don't remember.

6 Q. Do you know who Ms. DeJesus is?

7 A. Yes.

8 Q. Who is she?

9 A. She's Ms. Ortiz' associate.

10 Q. Have you ever dealt with her  
11 ever?

12 A. Yes, I met her.

13 Q. When did you meet her?

14 A. I met her in Ms. Ortiz' office.

15 Q. Pertaining to this case or  
16 something else?

17 A. Something else. I met her. I  
18 don't remember when, but I met Ms. DeJesus

oct 4 17(1)a.txt

19 at the old office also.

20 Q. What old office?

21 A. They used to have an office on  
22 Livingston Street prior to moving to where  
23 they are now in Astoria.

24 Q. Have you ever given Ms. DeJesus  
25 any work, legal work or referrals of

80

1 J. Nadelson

2 cases?

3 A. Ms. DeJesus?

4 Q. Yes.

5 A. No.

6 Q. Is this the first legal referral  
7 that you given Ms. Ortiz' law firm, Mr.  
8 Lorick's case?

9 A. No. First one?

10 Q. Yeah.

11 A. No, it's not the first.

12 Q. How many have you given?

13 A. Maybe one that I know they did  
14 do work on.

15 Q. Was it a bankruptcy case?

16 A. It was a bankruptcy case.

17 Q. When was it?

18 A. 2005.

19 Q. What kind of case was it?

20 A. It was a bankruptcy case. I had  
21 a client.

oct 4 17(1)a.txt  
22 Q. Do you know if it's Chapter 11  
23 or Chapter 7 or Chapter 13, if you know?  
24 A. I don't know.  
25 Q. So between 2005 and 2016, have

81

1 J. Nadelson  
2 you given Ms. Ortiz' firm any legal  
3 referrals of any kind?  
4 A. Maybe I gave a phone number a  
5 couple times, but I don't know if it went  
6 through or not I mean it's not my --  
7 Q. Have you received any  
8 participation fees or any fees other than  
9 what you already said?  
10 A. No.  
11 Q. Second page --  
12 A. No.  
13 Q. Go through the petition, please,  
14 with me.  
15 Go to the third page, his  
16 address is there. Did you give that  
17 information to Ms. Ortiz and Ms. DeJesus?  
18 A. I don't recall.  
19 Q. Let me see that exhibit, please.  
20 Please note that the first stapled part of  
21 the Exhibit 7 was filed on December 15,  
22 2016, correct?  
23 A. Yes.  
24 Q. Okay. The second stapled part  
25 which is Schedule A, B, property and other



oct 4 17(1)a.txt

82

1 J. Nadel son  
2 schedules was filed February 3rd, 2017,  
3 correct?

4 A. Uh-huh.

5 Q. There's information on here  
6 regarding his real property and his  
7 obligations. Did you give any of that  
8 information to Ms. Ortiz or Ms. DeJesus?

9 A. No, because I only knew that he  
10 has other properties maybe in Georgia, he  
11 mentioned or not Georgia, in New Jersey.

12 Q. Did you disclose that to Ms.  
13 DeJesus or Ms. Ortiz?

14 A. Maybe in conversation, but I  
15 don't remember.

16 Q. When were these conversations,  
17 before or after the filing of the  
18 bankruptcy on December 15 --

19 A. You know.

20 Q. -- of 2016?

21 A. Now that I looked at the date of  
22 the December 16, can you repeat the  
23 question, please?

24 Q. When did you have these  
25 conversations with Ms. DeJesus and Ms.

83

oct 4 17(1)a.txt  
1 J. Nadel son  
2 Ortiz regarding Mr. Lorick's information,  
3 before or after they filed the bankruptcy  
4 on December 15, 2016 or both?  
5 A. I don't remember. Maybe after,  
6 maybe on the day of filing.  
7 Q. Ms. DeJesus said she spoke to  
8 you afterwards and got information from  
9 you?  
10 A. Right, I don't remember.  
11 Q. Is that correct?  
12 A. I don't remember. Maybe after,  
13 correct.  
14 Q. Now, on the third stapled  
15 package --  
16 A. I don't know. I'm sorry, I  
17 don't know all the details of that.  
18 Q. I'm not asking you what details.  
19 I'm asking what information and when you  
20 gave it to them.  
21 The third package?  
22 A. I'm sorry, the information  
23 regarding the background of the Boysin and  
24 Cynthia?  
25 Q. Any information at all that you

84

1 J. Nadel son  
2 gave Ms. DeJesus regarding the Loricks --  
3 A. Yes.  
4 Q. -- it was after the filing?

oct 4 17(1)a.txt

5 A. I believe so.

6 Q. Do you know how long after the  
7 filing, how long after December 15?

8 A. No, I don't.

9 Q. The third stapled packet is  
10 entered on December 29, 2016, correct?

11 A. Correct, but I don't -- if you  
12 show me forms I don't know anything about  
13 them.

14 Q. So you have the initial --

15 A. I'm not, I don't know anything  
16 about bankruptcy forms so.

17 Q. You have the initial filing took  
18 place December 15, that's the first  
19 package, and then you have additional  
20 documents, schedules, things that were  
21 filed December 29, 2016, correct?

22 A. Correct.

23 Q. And then you have the last  
24 document group of documents --

25 A. February 3rd.

⌘

85

1 J. Nadelson

2 Q. -- filed February 3rd, correct?

3 A. Correct, because you mentioned  
4 that.

5 Q. Okay. So you stated that you  
6 spoke with Ms. DeJesus after the filing,  
7 the initial filing of December 15, 2016,

oct 4 17(1)a.txt  
8 about information --  
9 A. Maybe I spoke before also, I  
10 don't remember.  
11 Q. Before and after, okay.  
12 How about Ms. Ortiz did you  
13 speak to Ms. Ortiz after the filing, the  
14 initial filing of December 15, 2016?  
15 A. Of course we talk --  
16 Q. About this case?  
17 A. Up through now.  
18 Q. About this case?  
19 A. Yes, up to now.  
20 Q. You were representing Mr.  
21 Choudhary for those purposes of those  
22 discussions that you had from then through  
23 now, correct?  
24 A. Yes. Because he wanted to buy  
25 the building and nothing let him, I don't

86

1 J. Nadelson  
2 know.  
3 Q. So Mr. Choudhary introduced you  
4 to Mr. Lorick. And Mr. Lorick sometime in  
5 the fall of last year, 2016 asked you for  
6 a bankruptcy attorney's name, correct?  
7 A. He was looking for one, yes.  
8 Q. And he didn't tell you he filed  
9 Chapter 13 already?  
10 A. At that time, I don't believe --  
11 I don't remember. I don't believe -- to

oct 4 17(1)a.txt

12 me -- I'm sorry, to me I'm not a  
13 bankruptcy attorney. Chapter 11/Chapter  
14 13 I mean, I don't know the difference.  
15 Now I do.

16 Q. In the fall of 2016 when you  
17 spoke to Mr. Lorick whether it was in  
18 September or October, did he tell you he  
19 was already in bankruptcy of any kind, any  
20 kind of bankruptcy?

21 A. Maybe he mentioned he filed, but  
22 I never dwell on the facts.

23 Q. Did he tell you why --

24 A. I don't think he said he was in  
25 bankruptcy. He said maybe he filed it

87

1 J. Nadelson  
2 before, but I didn't for me I had no  
3 interest on the facts because it has  
4 nothing to do with me or my client at that  
5 moment.

6 Q. If he was already in bankruptcy  
7 as you just testified, that he filed?

8 A. I didn't say he filed. I said  
9 he mentioned, but I didn't know whether it  
10 was filed complete or whatever what  
11 happened to it, he mentioned.

12 Q. Did he say why he needed another  
13 bankruptcy attorney, if he was already in  
14 bankruptcy?

oct 4 17(1)a.txt  
15 A. Yes, he did.  
16 Q. Why?  
17 A. Now I remember he said that he  
18 filed the wrong bankruptcy, the attorney  
19 before filed the wrong bankruptcy.  
20 You ask me about the attorney  
21 before. I don't know who he is, but I  
22 know the name was maybe the name was  
23 mentioned, maybe not, but he said whoever  
24 he hired filed for wrong bankruptcy. This  
25 is how he ended up in this foreclosure

88

1 J. Nadelson  
2 sale, I believe, I don't know.  
3 Q. He found out about you through  
4 Mr. Choudhary, correct, or was it a result  
5 of remembering you from that meeting that  
6 you had three years before?  
7 A. Yes. Maybe he met me last year.  
8 As I said I do work for Mr. Choudhary,  
9 maybe landlord-tenant, maybe contractual,  
10 maybe real estate. I do work and I come  
11 to his office because my office is under  
12 renovation.  
13 Q. Did Mr. Choudhary refer Mr.  
14 Lorick to you or did Mr. Lorick come to  
15 you on his own?  
16 A. I believe he just walked in, I  
17 was there and he asked me a question.  
18 Q. You were there at Mr.

oct 4 17(1)a.txt

19 Choudhary's office?  
20 A. Mr. Choudhary knows I do not do  
21 bankruptcy. I mean Mr. Choudhary knows  
22 that I do not do foreclosures/bankruptcy.  
23 I don't do this type of work on extensive  
24 basis so. And maybe he walked in and he  
25 just asked me because I was there. I

89

1 J. Nadelson  
2 don't remember.  
3 Q. Okay. So --  
4 A. But I know that he asked this is  
5 the situation I had, you know. I said how  
6 did you end up -- I remember that I asked  
7 him, how did you end up in foreclosure  
8 three years before that.  
9 And he said that he was filing  
10 for bankruptcy -- I mean not a foreclosure  
11 sale but he said he was filing for  
12 bankruptcy. And the attorney -- so many  
13 names -- did not file the right one.  
14 Q. Was it Mr. Wharton?  
15 A. I don't recall it. It probably  
16 was because if he one who filed it  
17 probably was. I don't know Mr. Wharton.  
18 I don't know who he is. And I don't know  
19 what he filed. So I couldn't answer him  
20 that question.  
21 And I said, I'm not a bankruptcy

oct 4 17(1)a.txt  
22 attorney, so I cannot answer you what you  
23 have to file, but I know somebody who does  
24 bankruptcy.

25 Q. And that's when you gave him

90

1 J. Nadelson

2 Norma Ortiz' number?

3 A. I said maybe you can consult  
4 her.

5 Q. Did he?

6 A. Obviously, he did.

7 Q. And did you know when he did?

8 A. I don't know the date, maybe it  
9 was December. I'm sorry if I got my dates  
10 wrong. I just remember it was not very  
11 cold.

12 Q. Do you know when Mr. Lorick  
13 consulted with Ms. Ortiz first consulted  
14 with Ms. Ortiz?

15 A. Honestly, I don't remember maybe  
16 it was in December looking at the filing.

17 Q. It was filed December 15?

18 A. Right. Maybe it was in  
19 December, or maybe it was at the end of  
20 November.

21 Q. But you don't know?

22 A. I don't know. I don't know the  
23 exact date. I know approximately the time  
24 that he went, but I don't know --

25 Q. How do you know the approximate



oct 4 17(1)a.txt

91

1 J. Nadel son

2 time that he went?

3 A. Because you have the date  
4 filing. I'm sure he didn't go after the  
5 foreclosure sale.

6 Q. Do you know when the foreclosure  
7 sale was scheduled?

8 A. No.

9 Q. Is it your testimony that it's  
10 basically an assumption on your part that  
11 he met with Ms. Ortiz for the first time  
12 before December 15 after looking at --

13 A. Yes.

14 Q. -- at Exhibit 7?

15 A. Yes, I would assume so. I have  
16 no knowledge, concrete knowledge, but I'm  
17 under the assumption I believe he met with  
18 her before she filed. I mean you can't  
19 meet for the first time after she filed it  
20 on her own.

21 Q. So is it your testimony that you  
22 have no independent knowledge of when he  
23 met for the first time with Ms. Ortiz  
24 about filing the Chapter 11 until you had  
25 seen Exhibit 7?

92

oct 4 17(1)a.txt  
1 J. Nadel son  
2 A. Maybe I don't remember maybe  
3 first time because I remember I was in Ms.  
4 Ortiz' office also.  
5 Q. When?  
6 A. At some point but...  
7 Q. When?  
8 A. Maybe after this. Maybe, you  
9 know.  
10 Q. About this or about something  
11 else?  
12 A. Mr. Mohammad wanted to buy the  
13 building all along. So I came to the  
14 office maybe with Mr. Mohammad. I do not  
15 recall exactly when, but I came to discuss  
16 maybe he, you know, can purchase the  
17 building, I don't know, from foreclosure.  
18 And she said the time is out for  
19 foreclosure sale, you know, so he wants to  
20 file bankruptcy. He filed bankruptcy.  
21 And she said maybe you can propose that  
22 you want to buy it now.  
23 I don't remember the exact  
24 facts, because I'm not familiar with the  
25 bankruptcy proceedings. So I don't even

93

1 J. Nadel son  
2 know if the person did come in and say I  
3 want to buy it, you know.  
4 Q. Do you remember when you had

oct 4 17(1)a.txt

5 that meeting with her about buying the  
6 real estate from Mr. Lorick?

7 A. I don't. I really don't  
8 remember.

9 Q. Was it around December 15, 2016?

10 A. Maybe it was after it was filed.

11 Q. After the bankruptcy was filed?

12 A. Maybe, yes.

13 Q. That's when you first got  
14 involved with Ms. Ortiz on behalf of Mr.  
15 Choudhary to buy or -- to buy the  
16 property?

17 A. I believe so, yeah. Maybe, you  
18 know, I don't recall exactly what was said  
19 but you know maybe I got involved after  
20 the new year. I don't remember, because  
21 this was in the discussion all the time  
22 for longest.

23 Since last when he went there  
24 Mr. Mohammad wants to buy, but how, you  
25 know, listen here is the thing if Mr.

94

1 J. Nadelson  
2 Mohammad wants to buy and Mr. Lorick did  
3 not want to sell at that moment, whatever  
4 Mr. Mohammad wants is a moot point because  
5 he's not gonna agree to it, and nobody can  
6 do anything so. And this is why I guess  
7 this is why Mr. Mohammad ended up at the

oct 4 17(1)a.txt  
8 auction because nothing went.

9 Q. Right now I'm asking you about  
10 your involvement with Ms. Ortiz, Ms.  
11 DeJesus and Mr. Lorick as it pertains to  
12 him filing the Chapter 11 bankruptcy  
13 petition on December 15, 2016; that's what  
14 I'm asking you about.

15 A. Okay.

16 Q. You're telling me that you  
17 weren't involved; is that correct, other  
18 than --

19 A. I wasn't.

20 Q. -- other than referring the case  
21 to him?

22 A. I was not involved in the  
23 bankruptcy case, I have nothing to do with  
24 it.

25 Q. You went on to say that you

95

1 J. Nadelson  
2 have, in fact, met with Ms. Ortiz between  
3 then and now numerous times on behalf of  
4 Mr. Choudhary, correct, to buy the  
5 property?

6 A. After the bankruptcy was filed.

7 Q. And Ms. DeJesus?

8 A. And maybe the day before.

9 Q. And which is it?

10 A. I don't remember I honestly  
11 don't remember. I did not know exact

oct 4 17(1)a.txt

12 dates when it was filed, so I don't know.

13 Q. Are you aware or can you give me  
14 a reason why you would participate in the  
15 bankruptcy filing with Mr. Lorick and Mr.  
16 Choudhary and Ms. Ortiz, is there any  
17 reason why you would be involved with this  
18 bankruptcy petition for the Loricks?

19 A. I'm not involved with the  
20 bankruptcy petition.

21 Q. Ever, is it your testimony?

22 A. For the petition?

23 Q. Yeah. For the bankruptcy.

24 A. Why would I be involved with the  
25 bankruptcy?

96

1 J. Nadelson

2 Q. Ma'am, I'm asking you the  
3 questions, you don't ask me the questions.

4 A. Maybe I don't understand the  
5 meaning of it.

6 Q. Can you give me any explanation  
7 as to why you would be involved with Mr.  
8 Lorick and Ms. Ortiz in this bankruptcy  
9 proceeding, the preparation of and the  
10 filing of this bankruptcy --

11 A. I was not involved in the  
12 preparation of the bankruptcy proceedings.  
13 The only thing is Mr. Choudhary wanted to,  
14 he offered Boysin, Mr. Lorick, everything

oct 4 17(1)a.txt  
15 you know from buying, lending money, you  
16 know, salvaging the building. He offered  
17 everything, but Mr. Lorick wanted to, he  
18 didn't agree to this I guess. And he,  
19 this is why he ended up in the bankruptcy  
20 proceedings.

21 I was not involved in the  
22 preparation or discussions or anything of  
23 the bankruptcy because this is not my --

24 Q. So you didn't meet with Ms.  
25 Ortiz and Mr. Lorick at her office

97

1 J. Nadelson  
2 regarding the bankruptcy petition; is that  
3 your testimony?

4 A. I believe that Mr. Mohammad  
5 went --

6 Q. No, I asked you a question, yes  
7 or no, did you meet with --

8 A. We did. And I told you we met  
9 in her office.

10 Q. Who is "we"?

11 A. Me and Ms. Ortiz and Mohammad,  
12 and there was Boysin. They all came.

13 Q. You left out that part that  
14 Boysin?

15 A. I said that.

16 Q. Now you're saying it.

17 A. No, I said that before.

18 Q. Hold it.

oct 4 17(1)a.txt

19 A. I said that before, we all met.  
20 You asked me the same question. You said  
21 who is "we." And I said Boysin, Mohammad,  
22 Ortiz and me.

23 Q. All right. So let me --

24 A. If you want to ask me the next  
25 question why did we meet, I will tell you

98

1 J. Nadelson

2 why.

3 It's because Mohammad knows  
4 Boysin. And he said, can you come with  
5 me. I mean he wants to do bankruptcy. I  
6 want to help him out, can you come with  
7 me.

8 And I did come to the office not  
9 for the purpose of filing bankruptcy or  
10 negotiating or anything else. And I don't  
11 know what you're referring to, how did I  
12 get involved in all of this.

13 Q. What did Choudhary mean when he  
14 said he wanted to help him out? I thought  
15 you told me all morning he's trying to buy  
16 the property?

17 A. Is it not salvaging the  
18 building?

19 Q. Let me speak, it's my turn. You  
20 said all along that he wants to buy the  
21 building. Now you're saying he wanted to

oct 4 17(1)a.txt  
22 help Lorick save the building, which is  
23 it? Which is it? Did he want to help him  
24 or did he want to buy his building?

25 A. If he wants to buy a building so

99

1 J. Nadelson  
2 it doesn't go to any other person, but him  
3 and he knows Boysin for, I don't know, 15  
4 years, you don't think it's helping?

5 Q. How? No, I don't.

6 A. Then you and me have different  
7 views of a friendship.

8 Q. What -- Ms. Nadelson --

9 A. Yes.

10 Q. -- how is that different than  
11 any other business transaction with buying  
12 a building, are you telling me that Mr. --  
13 let me speak -- are you telling me --

14 A. Please don't yell at me.

15 Q. Then stop interrupting me.

16 A. Well, don't insinuate anything  
17 that you shouldn't.

18 Q. Are you telling me Mr. Choudhary  
19 was of the position and expressed to you  
20 that he believed by him buying the  
21 building, was helping Mr. Lorick; yes or  
22 no?

23 A. I don't know. I really don't  
24 know. You and me have different views on  
25 everything, so I cannot answer your



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100

1 J. Nadel son

2 questi on.

3 Q. I'm not asking you to agree wi th  
4 my view, I'm asking you to answer my  
5 questi on.

6 A. I cannot answer thi s questi on  
7 because I don't know the answer to it. I  
8 only can say that he tried to help before  
9 and, you know, he offered to finance it,  
10 to pay off the credi tors, which he  
11 couldn't do because I guess.

12 I'm not fami liar wi th the  
13 procedures, but I believe the foreclosures  
14 sale was scheduled and, you know, that's  
15 it.

16 Q. Are you aware the night before  
17 the auction Mr. Choudhary, and on August  
18 21, 2017 the auction was the 22nd, that  
19 Mr. Choudhary and Mr. Lorick met and  
20 discussed Mr. Choudhary bidding and  
21 parti cipating at the auction; are you  
22 aware of that?

23 A. Met where?

24 Q. I don't know where.

25 A. I am not aware of that. I am

101

oct 4 17(1)a.txt  
1 J. Nadel son  
2 not aware of that and I don't know if they  
3 discussed any bidding procedures?  
4 Q. Bidding at the auction.  
5 A. No, I don't know about that.  
6 Q. And it's your testimony that the  
7 only money you've ever received from Ms.  
8 Ortiz for this case or any other case is  
9 that couple thousand dollars for doing  
10 some research for her a year ago?  
11 A. Are you implying that I received  
12 more?  
13 Q. I'm asking you a question?  
14 A. I'm asking you a question, too.  
15 Q. You know what, this is my  
16 deposition if you would like to subpoena  
17 me to come to a deposition, I'll be more  
18 than happy to come and then I will answer  
19 your questions.  
20 A. We don't have time.  
21 Q. Right now you're under oath  
22 under penalties of perjury. I will be  
23 doing research into bank records and  
24 things like that. I'm not threatening  
25 you, I'm just telling you.

102

1 J. Nadel son  
2 A. You're threatening me now and I  
3 don't care.  
4 Q. I'm asking you if it's true that

oct 4 17(1)a.txt

5 the only funds you received from Ms. Ortiz  
6 was that couple thousand dollars for a  
7 year ago doing some kind of research?

8 A. Not a year ago, less than a year  
9 ago.

10 Q. When was it?

11 A. I don't remember. Maybe after  
12 the bankruptcy, maybe before, I don't  
13 remember.

14 And I'll tell you you can do  
15 research into my bank accounts all you  
16 want. And you will find only one small  
17 check. If you're insinuating that I  
18 received funds or fees for the whatever --

19 Q. Ms. Nadelson.

20 A. -- whatever you're insinuating.

21 Q. Ms. Nadelson.

22 A. I'm under oath.

23 Q. You're under oath, you're an  
24 attorney.

25 A. I'm an attorney, but you know

103

1 J. Nadelson  
2 something it's very upsetting --

3 Q. I'm speaking.

4 A. -- you're insinuating, you're  
5 threatening me, you're demanding. I'm  
6 here as a witness, I'm not your defendant  
7 witness.

oct 4 17(1)a.txt

8 Q. Ms. Nadel son --

9 A. Yes.

10 Q. -- you're under oath under

11 penalties of perjury. You're an officer

12 of the court, you're a licensed

13 practitioner in the State of New York, and

14 you tell me that you're in good standing.

15 I have no reason to --

16 A. I'm in very good standing.

17 Q. I have no reason to believe

18 otherwise, but what I'm telling you is

19 that it's very, very, very serious and

20 it's very important that you tell me the

21 truth.

22 You received this \$2,000?

23 A. Maybe less.

24 Q. Maybe less.

25 You're saying it could of been

104

1 J. Nadel son

2 after the filing on December 15, 2016,

3 which is almost a year ago, it could of

4 been before, it could of been for doing

5 some research in this capital gains issue

6 or it could of been for something else

7 but --

8 A. I don't know how she delineated

9 what I was paid for.

10 Q. It is my turn.

11 Ms. Ortiz paid you money to

oct 4 17(1)a.txt

12 perform legal services, correct?

13 A. I received the check, yes.

14 Q. I'm telling you I'm asking you  
15 to tell the truth because --

16 A. Yes, I was paid yes.

17 Q. -- first of all, I'm leaving a  
18 space in the transcript for you to provide  
19 me with a check or any other information  
20 you have regarding this before tomorrow.  
21 (Insert)\_\_\_\_\_

22 \_\_\_\_\_.  
23 Q. But I'm just urging you to be as  
24 clear and distinct on this issue because I  
25 will be pursuing it, and I will find out,

105

1 J. Nadelson  
2 and if it's something different than what  
3 you're telling me, I'll be forced to do  
4 something I don't want to do.

5 I'm not threatening you. I'm  
6 just telling you the reality of what we  
7 are dealing with here. So it would be to  
8 your benefit if you could be more  
9 specific, if you can't --

10 A. Do you want me to call the bank  
11 now?

12 Q. Sure. Sure.

13 A. If you give me the amount, I'll  
14 tell them and they will tell me.

oct 4 17(1)a.txt  
15 Q. I don't know what the amount is,  
16 you're telling me.  
17 A. Do you want me to call Ms. Ortiz  
18 on the phone and ask her how much the  
19 check was for?  
20 Q. You can do that. We don't have  
21 to keep the reporter here, we will break.  
22 A. Now, you're threatening me. I  
23 don't want to proceed now because I want  
24 to now call in and see what's the check  
25 amount.

106

1 J. Nadelson  
2 Maybe it's \$2,200. You gonna  
3 hold me to the fact that I don't remember  
4 how much was the check for?  
5 Q. No. That's not what I'm holding  
6 you to. That's not what I'm talking  
7 about. It doesn't matter if it's \$1,200  
8 or \$2,000 or \$2.  
9 A. What does it matter?  
10 Q. -I want to know when you got it  
11 and why she paid you. She's an attorney  
12 with the law firm. You're an attorney  
13 with a law firm. It's not a difficult  
14 question.  
15 You're saying within a year,  
16 last year, maybe after the petition, maybe  
17 it was for the capital gains tax issue,  
18 the liability issue, maybe it wasn't.

oct 4 17(1)a.txt

19 Maybe it was for something else.  
20 You're being so vague. I'm  
21 asking you within a year, and you can't  
22 remember.  
23 According to your testimony she  
24 only paid you one time. If she gave you  
25 more money and paid you more than once, I

107

1 J. Nadelson  
2 need you to tell me when.  
3 Well, first tell me if she paid  
4 you more than once.  
5 A. Give me one second, please --  
6 Q. No, no.  
7 A. -- I'll tell you the date. You  
8 want the date?  
9 Q. But I don't want you calling.  
10 A. I'm not calling anybody, I'm  
11 looking at my phone.  
12 MR. MCCORD: While she's doing  
13 that if you would mark this in,  
14 please.  
15 (Whereupon, Nadelson Exhibit 8,  
16 document was hereby marked for  
17 identification, as of this date.)  
18 A. So what do you need to know?  
19 Q. You testified Ms. Ortiz paid you  
20 money to perform legal services for her  
21 firm. When did she pay you?

oct 4 17(1)a.txt  
22 A. I don't know.  
23 Q. What's the matter?  
24 A. It's my personal check.  
25 Q. It's nothing to do with this. I

108

1 J. Nadelson  
2 thought you -- it wasn't to do with this?  
3 A. No. But I can call the bank.  
4 MR. MCCORD: You can call the  
5 bank, but we don't have to keep the  
6 reporter for this. If I think it's  
7 necessary we will go back on the  
8 record before we start with Mr.  
9 Choudhary.  
10 THE WITNESS: Are we done?  
11 MR. MCCORD: Do have you any  
12 questions, Mr. Rinaldi?  
13 MR. RINALDI: I have one.  
14 MR. MCCORD: This is a courtesy.  
15 THE WITNESS: I'm not a party  
16 here.  
17 MR. MCCORD: You're a subpoenaed  
18 witness.  
19 Go ahead, Mr. Rinaldi. I'm  
20 sorry, before you start.  
21 Q. I am showing you what's been  
22 marked as Exhibit 8.  
23 A. I saw that.  
24 Q. It's a subpoena to testify at a  
25 deposition, is that why you're here today



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109

1 J. Nadel son  
2 pursuant to this deposition.  
3 A. That's for tomorrow.  
4 Q. No, that's for today.  
5 A. Let me see.  
6 Q. That's for today.  
7 A. I didn't have this. I have it  
8 on me. Do you want me to show you the  
9 check?  
10 I'll show you the subpoena to be  
11 trial witness tomorrow at whatever time it  
12 says, and it has a check attached to it,  
13 because I was not in this case and I am  
14 not involved in this case and you make me  
15 involved in this case.  
16 I'm getting paid \$40 for it, if  
17 that's believable.  
18 Q. Ms. Nadel son.  
19 A. I understand this is your  
20 procedural rules.  
21 Q. Okay.  
22 MR. MCCORD: All right. Go  
23 ahead, Mr. Rinaldi.  
24 EXAMINATION  
25 BY MR. RINALDI:

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oct 4 17(1)a.txt  
1 J. Nadel son  
2 Q. Are you coordi nati ng any  
3 fi nanci ng for Mr. Choudhary wi th respect  
4 to --  
5 A. Pl ease cl ari fy coordi nati ng.  
6 Q. Are you i nvol ved wi th any  
7 fi nanci ng?  
8 A. No. He' s doi ng, i nvol ved i n  
9 what way, as consul ti ng hi m as attorney,  
10 what i t means, what' s the facts?  
11 Q. Let me fi ni sh, and then you can  
12 determi ne whether or not what you thi nk of  
13 my questi on.  
14 Wi th respect to purchasi ng the  
15 properti es wi th respect to the bi d, are  
16 you i nvol ved wi th assi sti ng Mr. Choudhary  
17 as an attorney i n hi s fi nanci ng of, for  
18 the properti e?  
19 A. What does i t mean assi sti ng hi m  
20 wi th hi s fi nanci ng?  
21 Q. Are you i nvol ved wi th any  
22 refi nance or are you i nvol ved --  
23 A. I nvol ved as an attorney --  
24 Q. Yes, as an attorney?  
25 A. -- at closi ng or i nvol ved I' m

111

1 J. Nadel son  
2 getti ng hi m the mortga ge brokers? Because  
3 I don' t know anythi ng, where he goes he  
4 does i t on hi s own. I j ust assi st hi m at

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5 the closing and transaction.

6 Q. Are you aware of any financing  
7 that he's --

8 A. Yes. We are waiting for the  
9 assignment for him to come back and buy  
10 the building right now.

11 I'm aware that he's, you know,  
12 we have been talking, he talks to mortgage  
13 brokers that he dealt with before on his  
14 refinancing of the other building, and  
15 they gave him the green light but we are  
16 stuck.

17 He can't do it right now. He  
18 can't do it because we have a trial  
19 pending tomorrow. Then there is -- I'm  
20 not a bankruptcy attorney, so I don't even  
21 know what is gonna take place on the 11th.

22 All I know is by the 11th he has  
23 to close or do something to have an  
24 extension. And he's talking to, you know,  
25 to get his finances together to close and

112

1 J. Nadelson  
2 he has good intentions to do so.

3 If everybody is not objecting  
4 but he can't do this because everybody is  
5 objecting -- not everybody, but I'm  
6 talking about in general. I mean, he  
7 would do -- he would already probably have

oct 4 17(1)a.txt  
8 a mortgage by now if we kind of moved  
9 along and if the judge can move up along.  
10 EXAMINATION  
11 BY MR. MCCORD:  
12 Q. Are you aware that Mr. Lorick  
13 retained a mortgage broker in July for  
14 \$25,000?  
15 A. What do you mean for \$25,000?  
16 Q. Hired a mortgage broker.  
17 MR. RINALDI: Lorick you said?  
18 MR. MCCORD: Boysin Lorick.  
19 A. For what purpose?  
20 Q. I don't know. I assume to save  
21 the property he a hired a mortgage broker  
22 and paid him \$25,000.  
23 A. He paid him or Mohammad hired.  
24 Maybe Mohammad lend him money. How does  
25 he have money? I didn't think he had

113

1 J. Nadelson  
2 money.  
3 Q. So the answer to my question is  
4 you're not aware of that?  
5 A. Listen --  
6 Q. I need you to say yes or no.  
7 A. -- for Boysin no.  
8 Q. For Mr. Choudhary, did he hire a  
9 mortgage broker?  
10 A. I don't know if it was for  
11 Boysin -- hold on one second.

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12 In July he went to several  
13 mortgage brokers, Mr. Choudhary, that's  
14 all I know, and he wanted to get finances  
15 because he wanted to try you know to buy  
16 the building before the auction.

17 Q. Did you know Mr. Lorick took  
18 money out of his bank account and paid a  
19 mortgage broker in July, July 18, 2017 and  
20 paid the mortgage broker \$25,000; are you  
21 aware of that?

22 A. Boysin paid?

23 Q. Yes.

24 A. I'm not aware. I'm not sure --  
25 I'm not aware of it. I'm not sure how

114

1 J. Nadelson  
2 transactionally it took away. I'm not  
3 aware of a lot of things.

4 Q. Did you ever here of a company  
5 called Eretz, E. R. E. T. Z., Realty?

6 A. Let me see. Can I see?

7 Q. E. R. E. T. Z --

8 A. No.

9 Q. -- on 18th Avenue in Brooklyn?

10 A. I have no idea. Why, he said I  
11 do? If I do I will sue him because I  
12 don't. I don't. All I know is three  
13 companies that Mohammad went through and  
14 couldn't buy the building and they just

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15 couldn't wait.

16 MR. MCCORD: We are breaking

17 now. Mr. Choudhary is here.

18 THE WITNESS: How do you know?

19 MR. MCCORD: Because my people

20 just told me.

21 THE WITNESS: You didn't talk to

22 anybody.

23 MR. RINALDI: Can I ask one

24 question about the 1.8 million?

25 MR. MCCORD: Sure.

115

1 J. Nadelson

2 EXAMINATION

3 BY MR. RINALDI:

4 Q. You testified that Mr. Choudhary  
5 refinanced one of his buildings?

6 A. His building.

7 Q. And cashed out 1.8 million in  
8 the refinance?

9 A. Yes. He actually paid \$202,000  
10 to get that money for the purpose of  
11 buying that building. And he kind of  
12 stuck -- I changed, I stopped.

13 MR. MCCORD: Why did you stop?

14 This is my assistant.

15 THE WITNESS: I understand, I  
16 know.

17 MR. MCCORD: Read back her  
18 answer.

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19 [The requested portion of the  
20 record was read.]

21 EXAMINATION

22 BY MR. MCCORD:

23 Q. He kind of stuck what, finish  
24 your sentence?

25 A. Stuck with the money. He didn't

116

1 J. Nadelson

2 have to refinance, if he wouldn't want to  
3 buy the building. He could of gone with a  
4 better rate, less payments and everything.  
5 And he paid off not \$202,000; it was not  
6 that he paid, they --

7 MR. RINALDI: Refinanced?

8 A. -- closing fees all the closing  
9 fees was about 200-something thousand  
10 dollars.

11 Q. Are you aware that Mr. Choudhary  
12 paid \$30,000 in fees related to getting  
13 his property refinanced, you know, for his  
14 property?

15 A. To whom?

16 Q. To either a lender or related  
17 party, are you aware of that?

18 A. He paid \$30,000, yes.

19 Q. To whom?

20 A. To, I don't know. Which one was  
21 before the last one? E. R. E. G., no, I

oct 4 17(1)a.txt

22 don' t.

23 Q. I'll leave a space in the

24 transcript, please fill it in.

25 (Insert)\_\_\_\_\_

117

1 J. Nadel son

2 \_\_\_\_\_.

3 A. You're talking about as a good

4 faith deposit or what do you call it?

5 Q. I don't know, so that's why I'm

6 saying.

7 A. When you go to a lender, they

8 want a fee upfront for, I don't know what

9 for.

10 Q. He paid \$30,000?

11 A. He did. I believe he did, but I

12 don't know what happened.

13 Q. Did he get it back?

14 A. I have no idea.

15 (Continued on the next page to

16 accommodate the jurat.)

17

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1 J. Nadel son  
2 MR. MCCORD: All right. We will  
3 break now.  
4 Off the record.  
5 [Discussion held off the  
6 record.]  
7 (Time noted: 12:55 p.m.)  
8  
9

10 JANE J. NADELSON

11 Sworn and Subscribed  
12 this \_\_\_\_ day of \_\_\_\_, 2017.  
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14  
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16 Notary Public  
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C E R T I F I C A T E

STATE OF NEW YORK )

: ss.

COUNTY OF NEW YORK )

I, SUSAN ADAMS, a Shorthand  
Reporter and Notary Public within and for  
the State of New York, do hereby certify:

That JANE J. NADELSON, the  
witness whose deposition is hereinbefore  
set forth, was sworn and that such  
deposition is a true record of the  
testimony given by such witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage; and that I  
am in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 4th day of  
October, 2017.

\_\_\_\_\_  
SUSAN ADAMS

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----- I N D E X -----

WITNESS	EXAMINATION BY	PAGE
JANE NADELSON	Mr. Mccord	4, 112, 115

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5 Mr. Ri nal di 112, 115  
6  
7 ----- I N F O R M A T I O N R E Q U E S T S -----  
8 (I N S E R T): 47, 104, 117  
9 R E Q U E S T S: (None)  
10  
11 ----- E X H I B I T S -----  
12 NADELSON FOR I D.  
13 Exhi bi t 1, document capti oned 31  
14 "Decl arati on of Mohammad  
15 Choudhary"  
16 Exhi bi t 2, "Decl arati on of 37  
17 Boysi n Lori ck"  
18 Exhi bi t 3, document 49  
19 Exhi bi t 4, noti ce of the hearing 57  
20 for a moti on for an order  
21 Exhi bi t 5, New York Ci ty 66  
22 Bui l di ngs document i ssued Jul y  
23 29, 2013 to Mohammad Choudhary  
24  
25

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1  
2 I N D E X (Conti nued)  
3 ----- E X H I B I T S -----  
4 NADELSON FOR I D.  
5 Exhi bi t 6, transcript of the 66  
6 aucti on that took pl ace on  
7 August 22, 2017

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12 \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
13 \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
14 \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
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19

20 \_\_\_\_\_  
JANE J. NADELSON

21 SUBSCRIBED AND SWORN TO  
22 BEFORE ME THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2017.

23 \_\_\_\_\_  
NOTARY PUBLIC

24 MY COMMISSION EXPIRES \_\_\_\_\_

25